



CITY OF ALAMEDA • CALIFORNIA

SPECIAL MEETING OF THE CITY COUNCIL
TUESDAY - - - JUNE 7, 2005 - - - 5:30 P.M.

Time: Tuesday, June 7, 2005, 5:30 p.m.

Place: **City Council Chambers Conference Room**, City Hall, corner
of Santa Clara Avenue and Oak Street.

Agenda:

1. Roll Call.

2. Public Comment on Agenda Items Only.

Anyone wishing to address the Council on agenda items only,
may speak for a maximum of 3 minutes per item.

3. Adjournment to Closed Session to consider:

3-A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager.

3-B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: McGee v. City of Alameda.

3-C. CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiators: Human Resources Director and Craig
Jory.

Employee Organizations: International Brotherhood of
Electrical Workers (IBEW) and
Management and Confidential
Employees Association (MCEA).

4. Announcement of Action Taken in Closed Session, if any.

Adjournment


Beverly Johnson, Mayor



CITY OF ALAMEDA • CALIFORNIA

SPECIAL JOINT MEETING OF THE CITY COUNCIL,
COMMUNITY IMPROVEMENT COMMISSION, AND
ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY
TUESDAY - - - JUNE 7, 2005 - - - 7:25 P.M.

Location: **Council Chambers**, City Hall, Santa Clara Avenue and Oak Street.

Public Participation

Anyone wishing to address the Council/Commission/Board on agenda items or business introduced by Councilmembers/Commissioners/Board Members may speak for a maximum of 3 minutes per agenda item when the subject is before the Council/Commission/Board. Please file a speaker's slip with the Deputy City Clerk if you wish to speak on an agenda item.

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES

Minutes of the Special Joint City Council, Community Improvement Commission, and Alameda Reuse and Redevelopment Authority Meeting of May 17, 2005. **[City Council and Community Improvement Commission]**

AGENDA ITEMS

1. Adoption of Resolution Approving and Adopting the Operating Budget and Appropriating Certain Moneys for the Expenditures Provided in Fiscal Year 2005-06. **[Alameda Reuse and Redevelopment Authority];**
 - Adoption of Resolution Approving and Adopting the Operating Budget and Appropriating Certain Moneys for the Expenditures Provided in Fiscal Year 2005-06. **[Community Improvement Commission]; and**
 - Adoption of Resolution Approving and Adopting the Operating Budget and Appropriating Certain Moneys for the Expenditures Provided in Fiscal Year 2005-06. **[City Council]**

2. Recommendation to approve the Determination that planning and administrative expenses incurred during FY 2004-05 are necessary for the production, improvement or preservation of low- and moderate-income housing. **[Community Improvement Commission]**

ADJOURNMENT

A handwritten signature in black ink, appearing to read 'Beverly Johnson', written over a horizontal line.

Beverly Johnson, Mayor
Chair, Community Improvement
Commission and Alameda Reuse and
Redevelopment



CITY OF ALAMEDA • CALIFORNIA

IF YOU WISH TO ADDRESS THE COUNCIL:

1. Please file a speaker's slip with the Deputy City Clerk and upon recognition by the Mayor, approach the podium and state your name; speakers are limited to three (3) minutes per item.
2. Lengthy testimony should be submitted in writing and only a summary of pertinent points presented verbally.
3. Applause and demonstration are prohibited during Council meetings.

AGENDA - - - - - REGULAR MEETING OF THE CITY COUNCIL
TUESDAY - - - - - JUNE 7, 2005 - - - - 7:30 P.M.

[Note: Regular Council Meeting convenes at 7:30 p.m., **City Hall, Council Chambers, corner of Santa Clara Ave and Oak St.**]

The Order of Business for City Council Meeting is as follows:

1. Roll Call
2. Agenda Changes
3. Proclamations, Special Orders of the Day and Announcements
4. Consent Calendar
5. Agenda Items
6. Oral Communications, Non-Agenda (Public Comment)
7. Council Communications (Communications from Council)
8. Adjournment

Public Participation

Anyone wishing to address the Council on agenda items or business introduced by Councilmembers may speak for a maximum of 3 minutes per agenda item when the subject is before Council. Please file a speaker's slip with the Deputy City Clerk if you wish to address the City Council.

SPECIAL MEETING OF THE CITY COUNCIL 5:30 P.M.
CITY COUNCIL CHAMBERS CONFERENCE ROOM
Separate Agenda (Closed Session)

SPECIAL JOINT MEETING OF THE CITY COUNCIL, 7:25 P.M.
COMMUNITY IMPROVEMENT COMMISSION AND ALAMEDA REUSE
AND REDEVELOPMENT AUTHORITY, CITY COUNCIL CHAMBERS
Separate Agenda

1. ROLL CALL - City Council
2. AGENDA CHANGES
3. PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

3-A. Proclamation expressing appreciation to Pacific Gas & Electric and Alameda Power & Telecom for prompt response in relocating a gas line, thereby greatly aiding the City's efforts in the construction of the new Main Library.

3-B. Proclamation recognizing contributions to the City by our Gay and Lesbian Citizens and encouraging the community to recognize these contributions, particularly during the month of June, Gay Pride Month.

3-C. Update on the new main library project.

4. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Council or a member of the public.

4-A. Minutes of the Special City Council Meeting held on May 12, 2005; and the Special and Regular City Council Meetings held on May 17, 2005.

4-B. Bills for ratification.

4-C. Recommendation to authorize the Acting City Manager to execute a temporary Agreement with Alameda County for the exclusive provision of ambulance services by the City of Alameda Fire Department to the City of Alameda.

4-D. Recommendation to accept the City of Alameda Long-Term Park Use Policy.

4-E. Recommendation to approve First Amendment to Agreement with Consolidated Construction Management extending the term, scope of work and price for the New Main Library Project.

4-F. Recommendation to set June 21, 2005 as the hearing date for Delinquent Integrated Waste Management Charges.

4-G. Recommendations regarding Alameda Ferry Services:

- Adoption of Resolution Applying for Five Percent Unrestricted State Funds and Two Percent Bridge Toll Revenue Funds for Operating Subsidy and Capital Projects for the City of Alameda Ferry Services, and Authorizing the Acting City Manager to Enter into All Agreements Necessary to Secure These Funds;

- Recommendation to authorize the Acting City Manager to execute extension of the Ferry Service Agreement with the Port of Oakland; and
 - Recommendation to authorize the Acting City Manager to execute extension of the Blue and Gold Fleet Operating Agreements for the Alameda/Oakland Ferry Services (AOFS) and adopt associated budget.
- 4-H. Adoption of Resolution Approving the Paratransit Service Plan and Applying for Measure B Paratransit Funding.
- 4-I. Adoption of Resolution Authorizing Open Market Purchase from Cogent Systems, Inc., Pursuant to Section 3-15 of the Alameda City Charter, of Cogent Automated Palm/Fingerprint Identification System Upgrade in the Amount of \$37,815. [Requires four (4) affirmative votes]
- 4-J. Adoption of Resolution Adopting an Agreement for Participation in Alameda County Operational Area Emergency Management Organization.
- 4-K. Adoption of Resolution Designating All Alameda Fire Stations as Receiving Points for Surrendered Babies Under the California State Health and Safety Code Section 1255.7, known as the Safely Surrendered Baby Law.
- 4-L. Adoption of Resolution Requesting and Authorizing the County of Alameda to Levy a Tax on All Real and Personal Property in the City of Alameda as a Voter Approved Levy for the General Obligation Bonds Issued Pursuant to a General Election Held November 7, 2000.

5. REGULAR AGENDA ITEMS

- 5-A. Adoption of Resolution Commending Alameda Police Department Officer Frank Damian for His Contributions to the City of Alameda.
- 5-B. Final Passage of Ordinance Amending the Alameda Municipal Code to Increase the Composition of the Recreation and Park Commission from Five to Seven Members by Amending Subsections 2-7.2 (Membership; Appointment; Removal), 2-7.3 (Qualification; Voting) of Section 2-7 (City Recreation and Park Commission).
- 5-C. Public Hearing to consider an Appeal of the Historical Advisory Board's approval of a Landscaping Plan for planting two Coast Live Oak trees on the vacant property at 301 Spruce Street. The submittal of a Landscaping Plan, as part of new development proposals, was required by the Historical Advisory Board as a condition for the removal of one Coast Live Oak tree in 2001; **and adoption of related resolution.** The site is

located at 301 Spruce Street within the R-4 Neighborhood Residential Zoning District. Applicant: Bill Wong for Hai Ky Lam. Appellant: Patrick Lynch and Jeanne Nader. **[To be continued to June 21, 2005]**

- 5-D. Public Hearing to consider **adoption of a Resolution**, "Confirming the Business Improvement Area Report for FY 2005-2006 and Levying an Annual Assessment on the Alameda Business Improvement Area of the City of Alameda for FY 2005-2006."
- 5-E. Recommendation to accept the Donor Recognition and Names Gifts Policy for the Library.
- 5-F. Recommendation to accept the Webster District Strategic Plan Report.
- 6. ORAL COMMUNICATIONS, NON-AGENDA (Public Comment)
Any person may address the Council in regard to any matter over which the Council has jurisdiction or of which it may take cognizance, that is not on the agenda.
- 7. COUNCIL COMMUNICATIONS (Communications from Council)
 - 7-A. Discussion regarding City of Alameda Management Practice #37: Staff-Council Communication Policy. [Mayor Johnson]
 - 7-B. Consideration of Mayor's nomination for appointment to the Public Utilities Board. [Partial term expiring June 30, 2008]
- 8. ADJOURNMENT

- For use in preparing the Official Record, speakers reading a written statement are invited to submit a copy to the City Clerk at the meeting or e-mail to: lweisige@ci.alameda.ca.us
- Sign language interpreters will be available on request. Please contact the City Clerk at 747-4800 or TDD number 522-7538 at least 72 hours prior to the Meeting to request an interpreter.
- Equipment for the hearing impaired is available for public use. For assistance, please contact the City Clerk at 747-4800 or TDD number 522-7538 either prior to, or at, the Council Meeting.
- Accessible seating for persons with disabilities, including those using wheelchairs, is available.
- Minutes of the meeting available in enlarged print.
- Audio Tapes of the meeting are available upon request.
- Please contact the City Clerk at 747-4800 or TDD number 522-7538 at least 48 hours prior to the meeting to request agenda materials in an alternative format, or any other reasonable accommodation that may be necessary to participate in and enjoy the benefits of the meeting.

UNAPPROVED MINUTES
MINUTES OF THE SPECIAL JOINT CITY COUNCIL
COMMUNITY IMPROVEMENT COMMISSION, AND
ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY
TUESDAY- -MAY 17, 2005- -7:25 P.M.

Mayor/Chair Johnson convened the Special Joint meeting at 7:35 p.m. Councilmember/Commissioner/Board Member deHaan led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers / Commissioners / Board Members Daysog, deHaan, Gilmore, Matarrese and Mayor Johnson - 5.

Absent: None.

CONSENT CALENDAR

Councilmember/Commissioner Matarrese moved approval of the Consent Calendar.

Vice Mayor/Commissioner Gilmore seconded the motion, which carried by unanimous voice vote - 5.

(05- CC/05- CIC) Minutes of the Special Joint City Council and Community Improvement Commission Meeting of May 3, 2005. Approved.

(05- CIC) Recommendation to approve an Amended Contract with Michael Stanton Architecture (MSA) by increasing the Contract amount an additional \$40,000 for design review services for the proposed Civic Center Parking Garage Project. Accepted.

(05- CIC) Recommendation to accept revised Alameda West Strategic Retail Implementation recommendations. Accepted.

AGENDA ITEMS

(05- CIC) Recommendation to approve a First Amendment to an Acquisition Agreement by which the Community Improvement Commission acquired an Affordable Housing Covenant from the Alameda Reuse and Redevelopment Authority for thirty units of very low income housing at the Bachelor Officers' Quarters located within the Alameda Point Improvement Project.

Commissioner/Board Member deHaan moved approval of the staff recommendation.

Commissioner/Board Member Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(05- CIC) Resolution No. 05-136, "Resolution of Necessity to Acquire Property by Eminent Domain for Redevelopment Purposes; Authorizing Commencement of Litigation to Acquire Property and for Order of Possession; Code of Civil Procedure Section 1245.235 et seq. (APN 071-0203-014 and APN 071-0203-015; 2315-2323 Central Avenue, Alameda, California - Alameda Theatre/Cineplex and Parking Structure." Adopted.

Lester Cabral, Tenant, stated that a lot of information has just been received; that he opposes the resolution until the tenants are notified about what is going on; that he understands an eviction notice might be forthcoming.

Chair Johnson requested staff to meet with Mr. Cabral to answer his questions.

In response to Commissioner deHaan's question about the property Mr. Cabral is concerned about, Mr. Cabral responded Hair Shapers at 2321 Central Avenue.

Lars Hansson, Park Street Business Association (PSBA) Board President, stated the PSBA Board supports the staff recommendation and urges adoption of the resolution; the resolution will springboard negotiations with the owner to allow reaching a fair market value within a short period of time.

Duane Watson, PSBA Board Vice President, urged moving forward with the project.

Robb Ratto, PSBA Executive Director, stated the project is important for PSBA and all of Alameda; the restoration of the historic theatre was identified as the number one priority in the downtown vision process; urged support of the staff recommendation; stated Video Maniacs has been successfully relocated with the assistance of Development Services.

Daniel A. Muller, Attorney for Cocores Development Company, submitted a letter; stated the letter submitted includes five categories of objections to the Resolution of Necessity and right to take the property; the offer of \$1.5 million recently submitted is less than half of the value that a qualified, MAI [Masters of the Appraisal Institute] appraiser provided 1½ years ago; said appraiser, Mike Dunn, was jointly retained by the City and Cocores and came up with a value of \$3.7 million; the appraisal the City is

using is over a year old; for a jointly hired appraiser to come up with \$3.7 million and the City to disregard the offer and use a year old appraisal that is less than half of the jointly appraised value is fundamentally flawed; secondly, the City has not followed the adopted owner participation rules required by law; the rules specify that the City will give preference to property owners within the project area, which has not occurred; the City allowed Cocores to jointly pay for an appraisal and took half of the \$25,000 price for a feasibility study in 1996 that has been shelved; the City has been willing to take Cocores's money in partnership, but has not continued to follow through with any owner participation rules; the third problem is that the City claims the justification for the public use of the project is remediation of blight; the area is not blighted; the blight findings are unfounded and not supported by the evidence; additionally, there is evidence that the outcome of the hearing is predetermined; news articles indicate the City has commissioned construction reports and studies and committed itself contractually towards the condemnation and project; the City is conducting a sham hearing and is committed to going forward with the project; requested adoption of the resolution be delayed for a couple of meetings to allow the City to re-engage Mr. Cocores on the fair market value issue; stated City staff offered \$2.5 million to Mr. Cocores at one point and even offered \$3 million if structured as \$2 million upfront and \$1 million over a period of years; similar negotiations could continue if the resolution is delayed; if not, the City will face a right to take challenge; good faith negotiations seem to have terminated but could be restarted; additional evidence of predetermination is the Disposition and Development Agreement (DDA) that has been entered into with a developer; although the DDA is carefully worded that the Commission is not committing itself to condemnation, the mere fact that a DDA has been executed with a developer suggests there is no longer a discussion with the owner; urged delaying action to resume good faith negotiations and avoid spending resources on unnecessary litigation; finally, there are fatal, fundamental problems with the mitigated negative declaration; deferral of some of the mitigation measures are impermissible under California Environmental Quality Act (CEQA); CalTrans raised problems, such as traffic impacts and impacts to certain intersections, that were not addressed; the City must comply with CEQA prior to adoption of the Resolution of Necessity; failure to comply with CEQA can create right to take challenges.

Chair Johnson inquired whether the Commission could adopt the resolution and give direction to staff to continue negotiations, to which Legal Counsel responded in the affirmative.

The Development Services Director stated staff would continue to talk to the owner about acquiring the property; staff has attempted to talk to the owner and has not had success.

Chair Johnson stated it appears the owner is now willing to talk and the City should enter into discussions if the owner is willing.

The Development Services Director stated the City has been working on the project for many years; a Request for Proposals (RFP) for redevelopment of the project was sent to the owner in December 2000; the owner sent a letter in January 2001 which thanked the City for sending the RFP and stated: "the owner's desire is to wholeheartedly endorse the City's effort to locate a developer to redevelop the Alameda Theatre;" staff has been proceeding on said basis for sometime; the DDA does not pre-commit the condemnation action; staff has always intended and hoped to acquire the property amicably; noted the property owner did not object at the CEQA hearings or DDA adoption.

Commissioner Matarrese requested staff to comment on the claim of defects in the appraisal.

Legal Counsel responded the Commission's action is not predicated on the joint appraisal; staff has full faith and confidence in the appraisal upon which the action is being based.

Commissioner Matarrese stated the project is important; the City has an opportunity to save the Alameda Theatre; the City should continue negotiating with the owner.

Commissioner Matarrese moved adoption of the resolution.

Chair Johnson inquired whether Commissioner Matarrese would amend the motion to include approval of direction to continue negotiations.

Commissioner Matarrese agreed to amend the motion to include direction to continue to negotiate [with Mr. Cocores].

Chair Johnson stated negotiations should continue if the owner is willing; the owner has indicated a willingness to continue to negotiate; the City hopes to resolve the matter by agreement; hopefully, the owner is sincere about being willing to negotiate.

Commissioner Gilmore seconded the motion.

Under discussion, Commissioner Daysog stated moving forward is in

the best interest of the City.

Commissioner deHaan requested staff to clarify whether Hair Shapers received notification.

The Development Services Director stated that on March 22, all the tenants were notified that the City made a bona fide offer to the owner; the City's relocation and acquisition agents provided information to all of the tenants at that time; staff would ensure the tenant has all the facts.

Commissioner deHaan stated that he supports the action to go forward to allow a common position to be reached.

On the call for the question, the motion carried by unanimous voice vote - 5.

ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the Special Joint meeting at 8:02 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, Community Improvement
Commission

The agenda for this meeting was posted in accordance with the Brown Act.

**CITY OF ALAMEDA
MEMORANDUM**

Date: May 31, 2005

TO: Honorable Chair and Members of the Alameda Reuse and Redevelopment Authority

Honorable Chair and Members of the Community Improvement Commission

Honorable Mayor and Councilmembers

From: William C. Norton
Acting City Manager

Re: Alameda Reuse and Redevelopment Authority Resolution Approving and Adopting the Operating Budget for Fiscal Year 2005-06, and Appropriating Certain Moneys for the Expenditures Provided in Said Fiscal Year;

Community Improvement Commission Resolution Approving and Adopting the Operating Budget for Fiscal Year 2005-06, and Appropriating Certain Moneys for the Expenditures Provided in Said Fiscal Year; and,

City of Alameda Resolution Approving and Adopting the Operating and Capital Improvements Budget for Fiscal Year 2005-06, and Appropriating Certain Moneys for the Expenditures Provided in Said Fiscal Year

BACKGROUND

The City Council was presented with the proposed Operating and Capital Improvement Budget for 2005-06 in May 2005. Transmitted herewith are the recommended appropriations for the 2005-06 fiscal year. The Alameda Reuse and Redevelopment Authority (ARRA) has previously reviewed a multi-year financial plan. The appropriations for ARRA are included in the Budget document and revisions on file in the City Clerk's Office. The Community Improvement Commission (CIC) is required to review and approve the redevelopment plan and approve its funding. While ARRA and CIC will have had a longer term financial plan to review, the City's 10 year plan will be presented in the early fall to the City Council as the beginning groundwork for the 2006 – 2008 financial plan.

This is the first instance for all three regulatory bodies to act at one meeting to adopt Operating budgets and Capital Improvement Budget.

DISCUSSION/ANALYSIS

The total City of Alameda proposed budget is \$279,509,954 (all City funds). The proposed appropriations include salary increases for the public safety and miscellaneous bargaining groups for which contracts have already been approved by the City Council.

As a budget balancing option for the General Fund, it is recommended that 11 Public Safety and four miscellaneous positions, which will be vacant beginning July 1, and three occupied miscellaneous positions not be funded for the fiscal year. Further, in Development Services, it is recommended that six positions (three vacant and three occupied) not be funded.

Service delivery impacts as a result of the recommended reductions will be provided orally by appropriate departments at the Council's meeting.

General Fund

The General Fund (\$69,381,432) makes up 24.8% of the budget and is 4% greater than the 2004-05 budget (\$66,553,686).

General Revenues

General Fund revenue is projected to grow by 4% over 2004-05 fiscal year revenues. The major revenue items show the following growth:

Property Taxes	+ 14.6%
Utility Users Taxes	.5%
Current Services	32.7%
Sales Taxes	1.6%
Property Transfer Tax	14.25%

All of these sources, with the exception of property taxes, are volatile. They will fluctuate with severe economic changes. Therefore, these estimates are relatively conservative.

General Appropriations

The underlying assumption is that only those ongoing programs and costs, which can be realistically paid by ongoing revenues, will be approved. The General Fund operating budget has increased 4% over the 2004-05 budget. The following table shows the year over year changes before applying the recommended reductions and after applying the recommended reductions.

**Departmental Review
Year-over-Year Changes**

	Before Applying Reductions		After Applying Reductions	
	Actual \$s	% Change	Actual \$s	% Change
City Council	(\$13,403)	-9.78%	(\$13,403)	-9.78%
City Manager	(\$195,815)	-18.63%	(\$195,815)	-18.63%
City Clerk/Elections	(\$19,345)	-5.18%	(\$19,345)	-5.18%
City Attorney	\$84,120	8.62%	(\$90,530)	-9.28%
Finance	\$165,766	8.92%	\$165,766	8.92%
Human Resources	(\$26,232)	-2.30%	(\$103,173)	-9.06%
Information Tech	\$15,721	1.98%	\$15,721	1.98%
Total Admin	\$10,812	0.17%	(\$240,779)	-3.81%
Police	\$3,009,968	11.61%	\$1,749,842	8.55%
Fire	\$2,705,148	15.60%	\$2,025,399	11.68%
Pensions	(\$1,594,200)	-34.88%	(\$1,594,200)	-34.88%
Total Public Safety	\$3,486,420	8.23%	\$2,181,041	5.15%
Planning & Building	\$555,158	19.29%	\$429,715	14.93%
Public Works	(\$77,839)	-1.40%	(\$77,839)	-1.40%
Recreation & Parks	\$283,272	7.79%	(\$10,468)	-0.29%
Maintenance Projects				
Public Works	(\$80,163)	-7.47%	(\$80,163)	-7.47%
Planning	\$18,941	72.69%	\$18,941	72.69%
ARPD	(\$50,000)	-100.00%	(\$50,000)	-100.00%
Total Mtce Projects	(\$111,222)	-9.68%	(\$111,222)	-9.68%
Non Departmental	(\$133,762)	-36.75%	(\$133,762)	-36.75%
Debt Service - City Hall	(\$4,668)	-0.48%	(\$4,668)	-0.48%
Library	\$68,644	4.61%	\$68,644	4.61%
Other Post Employ Benefits	\$1,441,778		\$1,441,778	
Risk Management	\$1,120	0.14%	\$1,120	0.14%
Capital Improvement	(\$719,215)	-78.24%	(\$719,215)	-78.24%
Urban Runoff	\$0	0.00%	\$0	0.00%
Total Transfers Out	\$787,659	18.51%	\$787,659	18.51%
GRAND TOTAL	\$4,800,501	7.21%	\$2,824,345	4.24%

Other Major Funds

Economic Development, Community Development, and Housing, all under the aegis of Development Services, total \$47,293,449. The majority of this revenue is from property tax increments, lease revenues, draw downs from previously sold bonds, federal grants and other state or county grants. The details of these revenues can be found in a comprehensive overview beginning at page 106 of the proposed budget document. (The proposed budget document with revisions is on file in the City Clerk's office.)

Alameda Reuse and Redevelopment Authority

The Authority has reviewed a long-range financial forecast. It included two major scenarios and involved cost reductions including some personnel costs. The following is a summary:

	<u>Estimated Revenues</u>	<u>Appropriations</u>	<u>Detail Pages</u>
Lease			
Revenues	\$10,565,674	\$10,349,902	
Bond Funds	\$1,065,232	\$1,065,232	
TOTAL	<u>\$11,630,906</u>	<u>\$11,415,134</u>	106-108

Community Improvement Commission

State law requires that the Community Improvement Commission review and approve of Economic Development/Redevelopment and Housing funds. The programs and projects will have been reviewed during the budget consideration. Following is a summary:

	<u>Estimated Revenues</u>	<u>Appropriations</u>	<u>Detail Pages</u>
<u>Econ.Dev./Redev</u>			
BWIP	\$3,343,558	\$3,521,177	109-111
WECIP	\$3,952,144	\$4,504,470	115-117
APIP	\$720,000	\$601,173	106-108
FISC	\$13,953,857	\$8,328,175	112-114
	<u>\$21,969,559</u>	<u>\$16,954,995</u>	
<u>Housing</u>			
BWIP	\$816,983	\$736,028	109-111
WECIP	\$950,485	\$981,242	115-117
APIP	\$136,367	\$98,996	106-108
	<u>\$1,903,835</u>	<u>\$1,816,266</u>	
GRAND TOTAL	<u>\$23,873,394</u>	<u>\$18,771,261</u>	

It should be noted that the FISC developer advance repayment is not included in the above appropriations.

State law requires that the Commission annually approve the agency's determination that the planning and administrative expenses are necessary for the production, improvement or preservation of low- and moderate-income housing. The details of these expenditures are found on pages 106-117 of the proposed budget document with revisions.

Other Funds

Measure B (ACTIA) provides approximately \$2.4 million in revenues to be used for specific transportation purposes. The majority of these funds are used for Capital Improvement Projects.

Enterprise Funds (Golf, Sewer Service, and Ferry Services) have significant revenues that are from rates set by the Council to meet operating and capital costs.

Other Funds Appropriations

Capital Projects Funds total \$6,149,734 and include work on the Congestion Management Program, Krusi Recreation Center Replacement, Street Resurfacing, Sidewalk Repairs, Sewer and Storm Drain Upgrades and Urban Runoff projects.

Enterprise Funds (Golf, Sewer Service, and Ferry Services) have significant appropriations to accomplish their specific missions. The total appropriations are \$12,034,108.

BUDGET/FISCAL IMPACT

The Proposed Budget as presented is balanced. If adopted as presented, there will be no impact on the General Fund reserves, which represents 26.9% of the operating budget. Any reductions of revenues or increases to expenditures will require an equal and offsetting increase to revenues or decrease in expenditures. The alternative is to authorize the use of reserves for one-time capital expenditures. The use of reserves up to \$1.3 million would leave reserves at a level that still meets the Council's policy of 25%.

ALAMEDA MUNICIPAL CODE/POLICY DOCUMENT REFERENCE

Approval and adoption of the Operating and Capital Improvements Budget is in conformance with the Alameda Municipal Code and applicable policy documents.

RECOMMENDATION

The Acting Executive Director of the Alameda Reuse and Redevelopment Authority recommends the Authority, by resolution, approve and adopt the Operating Budget for Fiscal Year 2005-2006, and appropriate certain moneys for the expenditures provided in said fiscal year.

The Acting Executive Director of the Community Improvement Commission recommends the Commission, by resolution, approve and adopt the Operating Budget for Fiscal Year 2005-2006, and appropriate certain moneys for the expenditures provided in said fiscal year.

The Acting City Manager recommends the City Council, by resolution, approve and adopt the Operating Budget and Capital Improvements for Fiscal Year 2005-06, and appropriate certain moneys for the expenditures provided in said fiscal year.

Respectfully submitted,

William C. Norton
Acting City Manager

By: 
JuelleAnn Boyer
Chief Financial Officer

JB/dl

ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY
RESOLUTION NO. _____

APPROVING AND ADOPTING THE OPERATING BUDGET
AND APPROPRIATING CERTAIN MONEYS FOR
THE EXPENDITURES PROVIDED IN FISCAL YEAR 2005-06.

WHEREAS, there has been submitted to and filed with this Authority at this meeting, a budget representing a financial plan for conducting the affairs of the Alameda Reuse and Redevelopment Authority for the fiscal year beginning July 1, 2005 and ending June 30, 2006 attached hereto as Exhibit A, and

WHEREAS, the Authority has considered this spending plan.

NOW, THEREFORE, BE IT RESOLVED BY THE ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY that said budget as submitted to this Authority at this meeting, and each and every part thereof, be, and the same is hereby approved and adopted as the Operating Budget for the Alameda Reuse and Redevelopment Authority for the fiscal year 2005-06, and that the expenditure of the various sums of money therein provided to be spent for salaries and wages, maintenance and operation, and capital outlay listed in detail are hereby approved and authorized in total as the appropriations for the fiscal year ending June 30, 2006.

* * * * *

Resolution # 1
ARRA
CC/CIC/ARRA Meeting
6-7-05

Approved as to Form
C. J. R. 2005
GENERAL COUNSEL

APPROPRIATION PROFILE - 2005-06**General Fund**

\$69,381,432 37.99%

Special Revenue Fund

Abandoned Vehicle	\$ 84,063
Low and Moderate Income Housing:	
WECIP	981,242
BWIP	736,028
APIP	98,996
Redevelopment:	
WECIP	4,504,470
BWIP	3,516,177
APIP	601,173
2003 CIC Tax Alloc. 2003A1	1,050,000
2003 CIC Tax Allo 2003A2	12,756,000
2003 CIC Tax Allo 2003B	-
CIC-BWIP Hsg 2002 Bond Proceed	500,000
CIC-Housing In-Lieu Fee	1,146,591
Library	2,869,152
Gas Tax	1,067,500
Traffic Safety Fund	150,000
Measure B	2,458,102
Tidelands Trust	143,093
Narcotics Asset Seizure	15,000
Dwelling Unit Tax	173,000
Parking Meter Fund	222,682
Commercial Revitalization	305,156
CDBG	9,359,426
Rehabilitation Repayment	203,332
Fisc Lease Revenue Fund	8,328,175
Affordable Housing Fund	267,065
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Garbage Surcharge	124,694
Curbside Recycling	19,939
Waste Management	422,397
Athletic Trust Fund	1,434,080
Senior Citizens Transportation	138,102

\$53,723,683 29.42%

Capital Projects Funds

Capital Improvement Fund	\$ 3,528,000
Construction Improvement Fund	\$ 515,000
Police/Fire Const Impact	35,000
Transportation Improvement Fund	186,000
Urban Runoff	1,885,734

\$6,149,734 3.37%

APPROPRIATION PROFILE - 2005-06**Debt Service Funds**

Debt Svc-1990 Police Bldg	\$	237,330
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Debt Svc-Debt Serv CIC Tx All Bd		834,968
Debt Svc-CIC Sub Bond		556,461
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1998 Revenue Bond Debt Fd		2,812,119
1999 Revenue Bond Debt Fd		3,629,858
Assessment District CFD#1		1,521,710
Assessment District CFD#2		178,905

\$18,526,992

10.14%

Enterprise Fund

Ferry Services	\$	2,271,308
Golf		5,684,761
Sewer Enterprise		4,097,039

\$12,053,108

6.60%

Internal Service Funds

Central Stores Fund	\$	46,500
Central Garage Fund		7,500
Techology Serv Fund		696,538
Worker's Comp Self Insur		3,323,924
Risk Management Fund		2,240,003
Dental Insurance Fund		610,000
Unemployment Insurance		31,000
Post Employment Fund		1,441,778

\$8,397,243

4.60%

Fiduciary Funds

Alameda Reuse & Redevelopment	11,415,134
Police/Fire Pension 1079	2,275,800
Police/Fire Pension 1082	700,000

\$14,390,934

7.88%

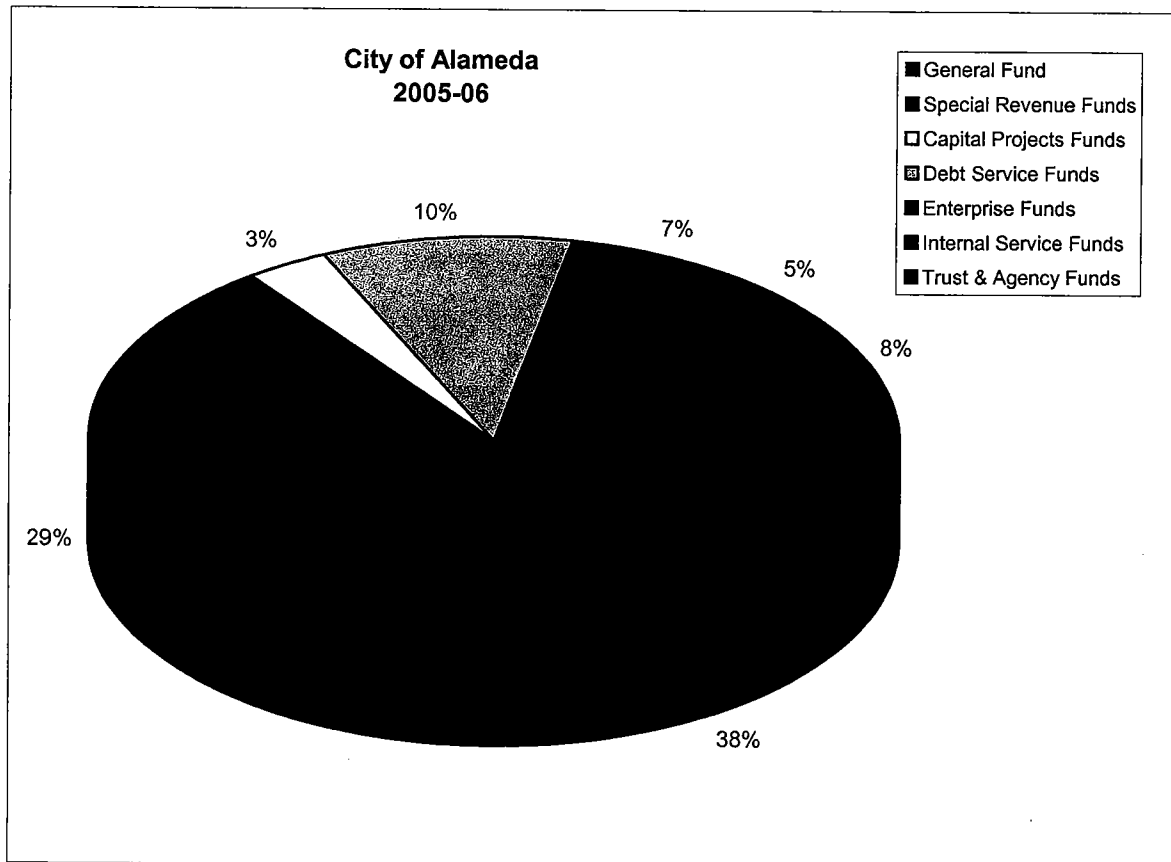
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\$182,623,126

100.00%

APPROPRIATION PROFILE - 2005-06

FUNDS	Percent of Total	Appropriations
General Fund	37.99%	\$69,381,432
Special Revenue Funds	29.42%	53,723,683
Capital Projects Funds	3.37%	6,149,734
Debt Service Funds	10.14%	18,526,992
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Internal Service Funds	4.60%	8,397,243
Trust & Agency Funds	7.88%	14,390,934
	100.00%	\$182,623,126



I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Alameda Reuse and Redevelopment Authority of the City of Alameda in a Special Alameda Reuse and Redevelopment Authority meeting assembled on the _____ day of _____, 2005 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said Authority this _____ day of _____, 2005.

Irma Frankel, Secretary
Alameda Reuse and Redevelopment Authority

Beverly Johnson, Chair
Alameda Reuse and Redevelopment Authority

COMMUNITY IMPROVEMENT COMMISSION RESOLUTION NO. _____

APPROVING AND ADOPTING THE OPERATING BUDGET
AND APPROPRIATING CERTAIN MONEYS FOR
THE EXPENDITURES PROVIDED IN FISCAL YEAR 2005-06.

WHEREAS, there has been submitted to and filed with this Commission at this meeting, a budget representing a financial plan for conducting the affairs of the Community Improvement Commission for the City of Alameda for the fiscal year beginning July 1, 2005 and ending June 30, 2006 attached hereto as Exhibit A, and

WHEREAS, the Authority has considered this spending plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMUNITY IMPROVEMENT COMMISSION that said budget as submitted to this Commission at this meeting, and each and every part thereof, be, and the same is hereby approved and adopted as the Operating Budget for the Community Improvement Commission of the City of Alameda for the fiscal year 2005-06, and that the expenditure of the various sums of money therein provided to be spent for salaries and wages, maintenance and operation, and capital outlay listed in detail are hereby approved and authorized in total as the appropriations for the fiscal year ending June 30, 2006; and

FURTHER, BE IT RESOLVED THAT, the Commission hereby approves the agency's determination that the planning and administrative expenses are necessary for the production, improvement or preservation of low- and moderate-income housing.

* * * * *

Resolution # 1
CIC
CC/CIC/ARRA Meeting
6-7-05

Approved as to Form
GENERAL COUNSEL

APPROPRIATION PROFILE - 2005-06**General Fund**

\$69,381,432 37.99%

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Fiduciary Funds

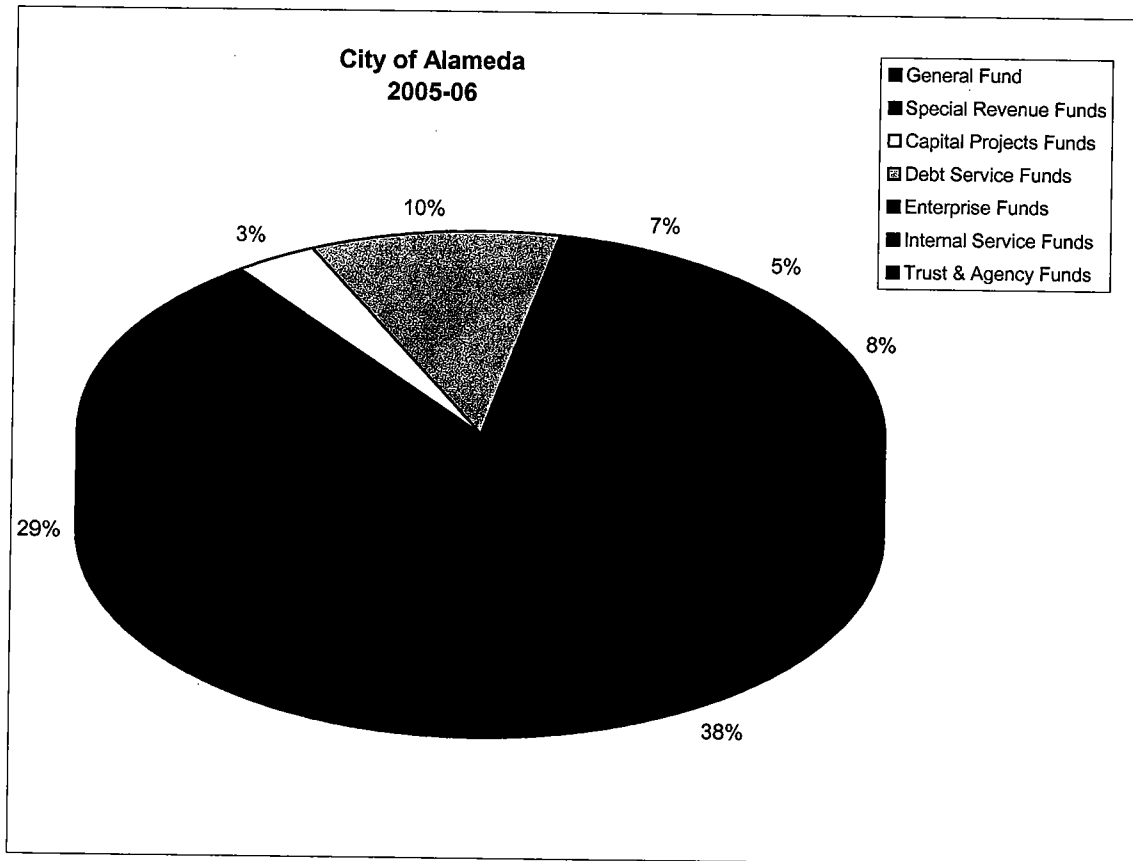
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Total All Funds

\$182,623,126 100.00%

APPROPRIATION PROFILE - 2005-06

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I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Community Improvement Commission of the City of Alameda in a Special Community Improvement Commission meeting assembled on the ____ day of _____, 2005 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said Commission this ____ day of _____, 2005.

Lara Weisiger, Secretary
Community Improvement Commission

Beverly Johnson, Chair
Community Improvement Commission

CITY OF ALAMEDA RESOLUTION NO. _____

APPROVING AND ADOPTING THE OPERATING BUDGET AND CAPITAL
IMPROVEMENTS AND APPROPRIATING CERTAIN MONEYS FOR THE
EXPENDITURES PROVIDED IN FISCAL YEAR 2005-06.

WHEREAS, there has been submitted to and filed with this Council at this meeting, a budget representing a financial plan for conducting the affairs of the City of Alameda for the fiscal year beginning July 1, 2005 and ending June 30, 2006 attached hereto as Exhibit A, and

WHEREAS, the City Council has considered this spending plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ALAMEDA that said budget as submitted to this Council at this meeting, and each and every part thereof, be, and the same is hereby approved and adopted as the Operating Budget and Capital Improvement Budget for the City of Alameda for the fiscal year 2005-06, and that the expenditure of the various sums of money therein provided to be spent for salaries and wages, maintenance and operation, capital outlay and capital improvements by each department therein listed in detail are hereby approved and authorized in total as the appropriations for the fiscal year ending June 30, 2006.

* * * * *

Resolution # 1
CC
CC/CIC/ARRA Meeting
6-7-05

Approved as to Form

CITY ATTORNEY

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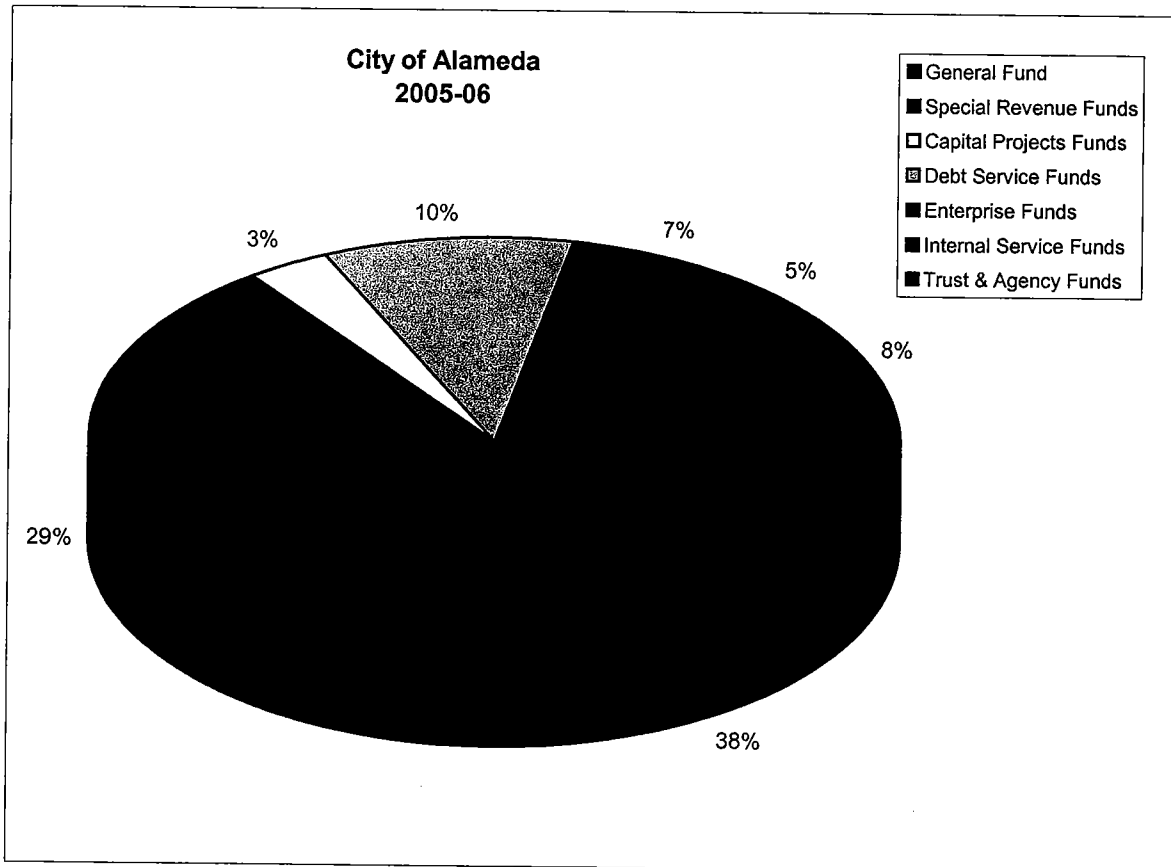
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	100.00%	\$182,623,126



I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2005, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this _____ day of _____, 2005.

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA

MEMORANDUM

Date: June 14, 2005

To: Honorable Chair and Members of the
Community Improvement Commission

From: William C. Norton
Acting Executive Director

Re: Recommendation to Approve the Redevelopment Agency's Determination
that Planning and Administrative Expenses Incurred During FY 04-05 are
Necessary for the Production, Improvement, or Preservation of Low- and
Moderate-income Housing

BACKGROUND

California Health & Safety Code §33334.3 (Low and moderate income housing fund) requires annual determination by the Community Redevelopment Agency that planning and administrative expenses incurred are necessary for the production, improvement, or preservation of low-and moderate-income housing.

DISCUSSION/ANALYSIS

It is the intent of the California Legislature that the Low and Moderate Income Housing Fund be used to the maximum extent possible to defray the costs of production, improvement, and preservation of low- and moderate-income housing and that the amount of money spent for planning and general administrative activities associated with the development, improvement, and preservation of that housing not be disproportionate to the amount actually spent for the costs of production, improvement, or preservation of that housing. Planning and general administrative costs allowed are those expenses incurred by the agency which are directly related to the authorized programs and activities and are limited to costs incurred for salaries, wages, and related costs of the agency's staff or for services provided through interagency agreements, and agreements with contractors and costs incurred by a nonprofit corporation which are not directly attributable to a specific project.

FINANCIAL IMPACT

There is no impact on the General Fund.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

None

RECOMMENDATION

It is recommended that the Community Improvement Commission approve the Redevelopment Agency's determination that planning and administrative expenses incurred during FY 04-05 are necessary for the production, improvement, or preservation of low- and moderate-income housing.

Respectfully submitted,

William C. Norton
Acting Executive Director

A handwritten signature in black ink, appearing to read "Leslie A. Little", written over the typed name.

By: Leslie A. Little
Development Services Director

WCN/LAL/sf

Proclamation

WHEREAS, Alameda's forty-year effort to construct a new Main Library to replace the 1902 Carnegie building has finally begun, to the delight of citizens, library supporters and elected officials; and

WHEREAS, shortly after the project commenced, it was determined that a three-inch gas line owned by PG&E was located too close to the perimeter of the construction site and would have to be relocated; and

WHEREAS, PG&E officials, knowing that delay in moving the line would trigger a delay, potentially very costly to the City, put the relocation at the top of their "to do" list and accomplished it without delay; and

WHEREAS, it was furthered determined that secondary electric cable located adjacent to the new Main Library project would need to be relocated by Alameda Power & Telecom; and

WHEREAS, Alameda P&T relocated the cable promptly with no impact to the project schedule or cost;

NOW, THEREFORE, BE IT RESOLVED that we, the Mayor and City Council of the City of Alameda, do hereby express our thanks to PG&E, Alameda Power & Telecom, and to all those who participated in the relocation of the gas and electric lines and do hereby proclaim Tuesday, June 7, 2005 as

PG&E Appreciation Day and Alameda Power & Telecom Appreciation Day

in the City of Alameda and urge the citizens of Alameda to join me in thanking PG&E and Alameda Power & Telecom for their beyond-the-call-of-duty efforts on our behalf.


Mayor Beverly Johnson

Vice Mayor Marie Gilmore

Councilmember Tony Daysog



Councilmember Doug deHaan

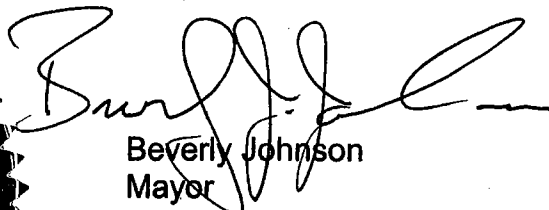
Councilmember Frank Matarrese

Proclamation

- Whereas,* members of the Alameda gay and lesbian community recognize June as their international month of pride and celebration; and
- Whereas,* members of our gay and lesbian community contribute to and participate in activities beneficial to the City of Alameda; and
- Whereas,* members of the Alameda gay and lesbian community share in and contribute to our collective culture of strong, loving, and enduring friendships and families; and
- Whereas,* members of the Alameda gay and lesbian community have and continue to dedicate their lives to our country in every capacity, including the military and military reserves, in times of peace and war; and
- Whereas,* members of the Alameda gay and lesbian community have made numerous material and financial contributions in support of various city-wide activities and projects; and
- Whereas,* members of the Alameda gay and lesbian community serve on various City boards, commissions, and committees, such as the Social Service Human Relations Board, Cable Television Oversight Committee, Restoration Advisory Board, Police Department Community Advisory Committee, and Library Board.

Now therefore, I, Beverly Johnson, Mayor of the City of Alameda, hereby recognize the contributions to our city by our gay and lesbian citizens and encourage the community to recognize these contributions, particularly during the month of June; Gay Pride Month.




Beverly Johnson
Mayor

CITY OF ALAMEDA

Memorandum

To: Honorable Mayor and
Councilmembers

From: William C. Norton
Acting City Manager

Date: May 26, 2005

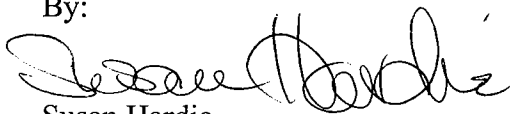
Re: New Main Library Project Update

Attached to this memorandum is the June 1, 2005, Library Construction Report.

Respectfully submitted,

William C. Norton
Acting City Manager

By:



Susan Hardie
Library Director

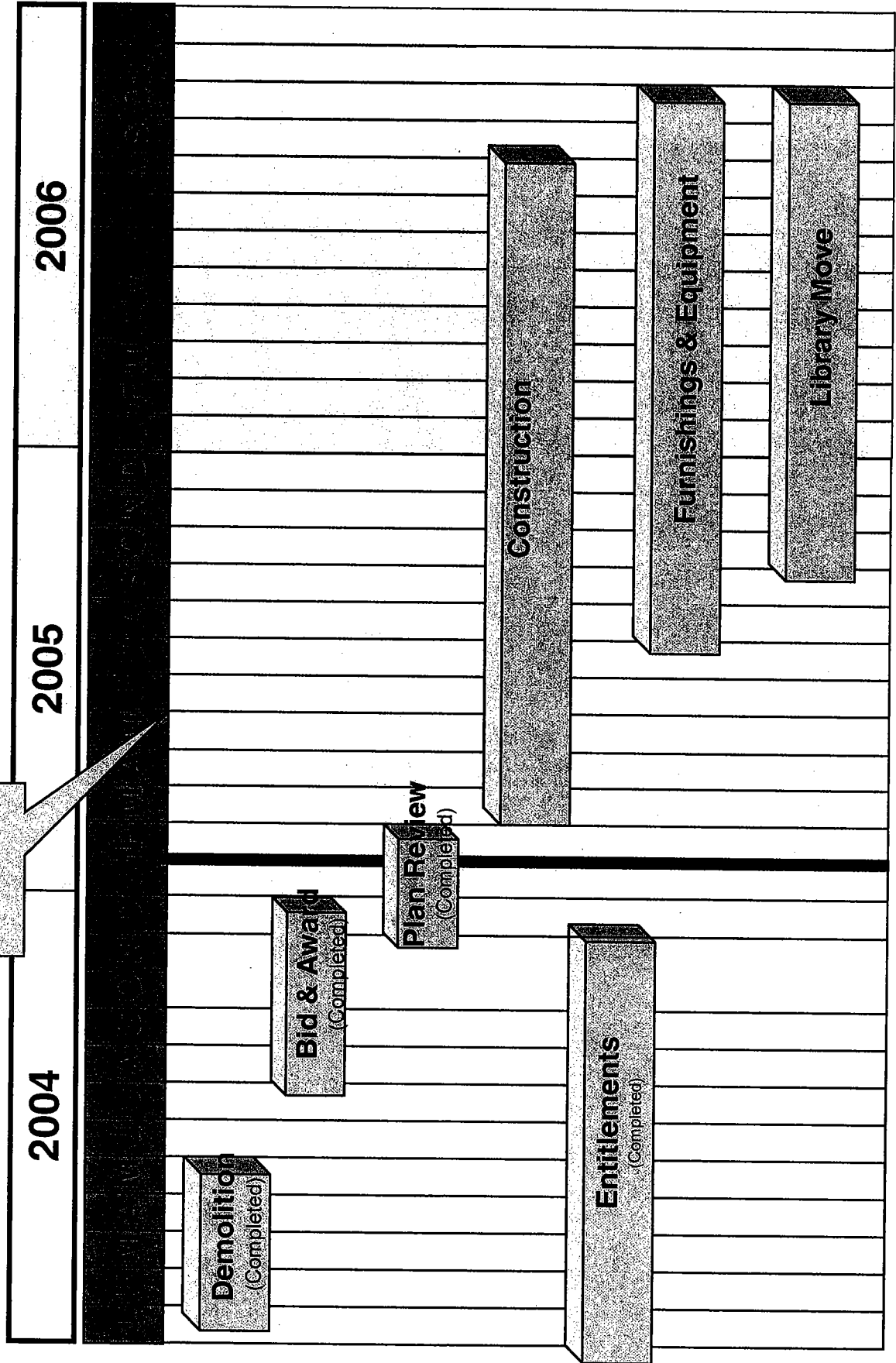
Attachment

Library Construction Report

June 1, 2005

Library Project Timeline

Status as of
June 1, 2005



Construction

- The Library webcam will operate throughout the project. It is available on the Library's and the City's websites.
- Notice to Proceed was issued on March 14, with substantial completion scheduled for September 5, 2006.
- The location of the LinOaks pool was overexcavated and filled with consolidated fill material on May 11.
- Footing excavation, consolidated fill placement and concrete pour for grid lines A through G was completed May 26.
- The elevator pit was poured on May 27.
- Footing excavation for grid lines H through L will commence June 1.
- Ground plumbing has been installed.
- The slab on grade for grid lines A through G is projected to be completed by June 23.
- The final slab on grade concrete pour is scheduled for July 1.
- First floor walls are projected to be completed by mid-August
- Structural steel is scheduled to arrive on August 18.
- The structure is scheduled to be weathertight by December, 2005.

Furnishings and Equipment Procurement

- Planning process for FF&E begins August 2005.

Library Move

- Planning process for move begins October 2005.

Library Opening

- The opening of the Main Library is tentatively scheduled for October 2006.

Budget

- The budget report, including supplemental funding sources, is attached.

Budget for Alameda Free Library - New Main Library Project
Inception to date through the month of: April 2005

Sources of Budgeted Funds	Budget
State Grant	\$15,487,952.00
Measure O	8,000,000.00
Contributions	10,000.00
Supplemental Funding:	
Interest Earned on Measure O Funds	160,000.00
Stafford Bequest	745,297.00
Redevelopment Funding	2,000,000.00
Additional Measure O Funds	670,000.00
Sources Subtotal:	27,073,249.00
Expenditures to date:	4,510,456.00
Balance Available:	22,562,793.00

UNAPPROVED MINUTES
MINUTES OF THE SPECIAL CITY COUNCIL MEETING
THURSDAY- -MAY 12, 2005- -5:00 P.M.

Mayor Johnson convened the Special Meeting at 5:10 p.m.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Gilmore,
Matarrese and Mayor Johnson - 5.

[Note: Councilmember Matarrese arrived at 6:30 p.m.]

Absent: None.

Agenda Items

(05-) Recommendation to approve an Agreement with Meyers, Nave, Riback, Silver and Wilson for consultation services on City Attorney contract negotiations.

Councilmember deHaan inquired what the cost and projected hours would be for the consultation services.

Mayor Johnson responded the cost and projected hours would depend upon what the Council requests.

Councilmember deHaan inquired what was the hourly rate, to which the Assistant City Attorney responded \$250.

Councilmember deHaan inquired whether \$250 per hour was the norm, to which the Assistant City Attorney responded the rate was not outside the norm and was within the realm of legal services costs today.

Mayor Johnson stated that she expected the rate to be higher.

Vice Mayor Gilmore stated that she thought the rate would be in the \$300 to \$350 per hour range.

Mayor Johnson stated that the rate is reasonable; that there are no fixed duties.

The Acting City Manager stated that the Council could provide the outside attorney with a scope of work and inquire how many hours would be anticipated.

Councilmember deHaan inquired whether there was a charge for today's meeting with the outside attorney, to which the Mayor responded in the affirmative.

Councilmember Daysog inquired what the outside attorney could do that the Council could not do.

Mayor Johnson stated that the Council does not provide attorney services; the City Attorney would have a conflict of interest in advising the Council on her contract.

Councilmember deHaan moved approval the recommendation predicated on further discussion of the scope of work in closed session.

Vice Mayor Gilmore seconded the motion.

Under discussion, Councilmember Daysog stated that a discreet number of issues are of concern; that he was not clear on the conflict.

Mayor Johnson stated there would be a conflict if there are legal issues; requested further explanation from the Assistant City Attorney.

The Assistant City Attorney stated if Council asks a legal question regarding interpretation of any provision of the City Attorney's contract or requests the contract be approved as to form, there would be a conflict; the City Attorney would not be able to provide information [legal advice]; another attorney's services would be necessary.

Mayor Johnson noted that Council has to hire an attorney to sign [approve the form of] the City Attorney's contract.

Councilmember Daysog stated that the City of Oakland requested the City of San Francisco to comment on whether the Oakland City Attorney position should be an elected position.

Councilmember deHaan stated the Council needs to understand and clean up the mechanisms of the contract, and ensure the contract language is legal.

Mayor Johnson stated when the contract has been changed on a routine basis, outside attorneys have signed [approved the form of] the contract without communicating with the Council, which is not a very good procedure.

Councilmember deHaan stated that the Council is requesting more detailed information.

Vice Mayor Gilmore stated that the Council is trying to determine

the history of the current situation and review salary scales; an outside attorney would need to sign off on [approve as to form] the contract if Council wanted to give the City Attorney a raise.

Mayor Johnson stated the entire contract should be reviewed; the Council needs to know whether a new contract or an addendum to the existing contract would be needed if the Council wanted to give the City Attorney a raise.

Councilmember deHaan stated that he did not have a problem with proceeding.

Councilmember Daysog stated that he would like to protect the Council's bargaining prerogative; there could be some matters of interpretation in the course of bargaining; inquired whether the outside attorney would be a go-between for the Council.

Mayor Johnson responded the Council would define the outside attorney's role.

The Assistant City Attorney stated that the City Attorney directly represents the Council; the proposed Agreement [with Meyers, Nave, Riback, Silver and Wilson for consultation services] would be executed by the City Attorney's office.

Mayor Johnson inquired whether the Assistant City Attorney had a copy of the Agreement.

The Assistant City Attorney responded in the affirmative; stated only the City Attorney can hire outside attorneys under the City Charter.

Councilmember Daysog stated that the meeting tonight is the result of a review of the City Attorney's budget; that he wants to process to maintain the Council's prerogative.

Mayor Johnson stated that the Council maintains all prerogatives and would not give up anything.

Councilmember Daysog noted an outside attorney involved could have a possible conflict; stated that he does not want an outside attorney to encroach on budget issues.

Vice Mayor Gilmore stated that she did not realize that an Agreement was already drafted; that she does not want to agree to something that she has not reviewed.

Mayor Johnson stated that she would like to review the scope of

work in the Agreement; inquired who drafted the Agreement.

The Assistant City Attorney responded Mr. Hartinger drafted the Agreement.

Vice Mayor Gilmore stated that she thought that the Council was meeting to agree to hire an outside attorney and that the scope of work would be determined later; that she does not want her second to the motion to be considered as an approval of the Agreement.

Mayor Johnson stated that the Council should not sign an Agreement without reviewing the scope of work; inquired whether the Council could make a motion to authorize the City Attorney to sign the Agreement hiring the outside attorney to work with the Council and finalize the Agreement when the scope of work is determined.

Councilmember deHaan inquired whether the motion could be made in open or closed session, to which the Assistant City Attorney responded the motion must be made in open session.

Councilmember Daysog stated that the scope of work would still need to come back to the Council.

The Assistant City Attorney stated that the Council's agenda is to consider hiring an outside attorney to help with labor negotiations regarding the City Attorney's contract; the outside attorney would be the labor negotiator in closed session; the City Attorney would have a direct conflict in advising the Council on interpretations regarding her contract.

Vice Mayor Gilmore stated that the scope is in paragraph 1 of Mr. Hartinger's letter [proposed Agreement].

The Assistant City Attorney stated that the scope of service is very narrow.

Mayor Johnson stated that the scope can always be changed and looks fine; the Council could have the outside attorney do as little or as much as requested.

The Assistant City Attorney stated retainers are not normally paid to outside counsel.

Mayor Johnson suggested the retainer and the late payment provisions be removed; stated the Agreement should be left as is to allow the Council flexibility; outside counsel would not perform any services the Council does not want.

Vice Mayor Gilmore stated that she would like Mr. Hartinger to review all documents [City Attorney contract and amendments], provide a history of the current situation, and advise the Council regarding moving forward with yearly amendments or bundling all the previous amendments into one contract.

Mayor Johnson stated that her first intention is to get legal advice.

Councilmember Daysog stated that he would like to begin negotiations with the City Attorney first.

Mayor Johnson stated that negotiations cannot be initiated because the Council needs legal advice.

Councilmember Daysog stated outside counsel might not be necessary; if issues were not resolved during negotiations, then interpretation would be needed.

Mayor Johnson stated that she is not comfortable with initiating negotiations until there is a better understanding of the contract; inquired whether the retainer and late payment provisions could be removed from the Agreement.

Mr. Hartinger responded in the affirmative.

Councilmember Daysog stated negotiating directly with the City Attorney should be the Council's prerogative; inquired whether Mr. Hartinger had any comment on the Council requesting his assistance on interpreting aspects of the negotiations.

Mr. Hartinger stated the matter should be discussed at the right time; direction should be given in closed session.

Councilmember deHaan moved to approval of the Agreement, with the modifications to remove the retainer and late payment provisions.

Mayor Johnson inquired whether the Council is giving up any prerogative by entering into the Agreement, to which Mr. Hartinger responded in the negative.

Councilmember Daysog inquired what happens when there is a conflict of interpretations.

Mr. Hartinger responded Council should trust the [outside] attorneys it hires or seek another opinion and discharge the attorney.

Mayor Johnson stated the ultimate way to settle legal disputes is to go through the courts; that she hopes that the Council would not get into said situation.

Councilmember Daysog stated that the vote might take the Council to unintended destinations.

Vice Mayor Gilmore concurred with Councilmember Daysog but stated the matter could be discussed in closed session.

Mayor Johnson stated that the Council has complete control.

Councilmember deHaan inquired whether the language should be clarified to: "advising and/or representing the City Council."

Mayor Johnson suggested the language in the scope remain as is, except for the addition of: "as directed by the Council" at the end.

Councilmember Daysog inquired what would fall within "additional matters" in the scope of engagement.

Mr. Hartinger responded "additional matters" is a catchall phrase if the Council requested him to do something else.

Councilmember deHaan stated the Agreement would not have to be reopened to have Mr. Hartinger do something else.

Vice Mayor Gilmore seconded the modified motion [to approve the Agreement, with modifications to remove the retainer and late payment provisions], which carried by the following voice vote: Ayes: Councilmembers deHaan and Gilmore, and Mayor Johnson - 3. Noes: Councilmember Daysog - 1. [Absent: Councilmember Matarrese - 1.]

The Assistant City Attorney stated that the City Attorney hires all attorneys under the City Charter; the City Attorney is hiring the outside attorney to advise the Council regarding interpretation of her contract.

Mayor Johnson inquired whether the Council is authorizing the City Attorney to sign the Agreement as discussed and whether the outside attorney would work for the Council.

The Assistant City Attorney responded that the outside attorney would not work for the Council; the City Attorney controls all legal counsel under the City Charter; the City Attorney is on the hook for the legal advice given.

Mayor Johnson stated that she is not sure the Council needs legal advice on hiring an attorney; that she does not agree that the City Attorney has control over what the outside attorney would do.

The Assistant City Attorney stated that the City Attorney would hire the outside attorney to interpret the City Attorney's contract.

Mayor Johnson stated that the Council has directed the City Attorney to sign the Agreement with changes; inquired whether there would be a problem.

The Assistant City Attorney stated any additional matters for which the Council requests [outside counsel's] services would have to go through the City Attorney.

Mayor Johnson inquired whether the Assistant City Attorney had any problem with the modified Agreement that the Council directed the City Attorney to sign.

Councilmember Daysog stated Mr. Hartinger's letter [Agreement] is addressed to the City Attorney; the word "you" refers to the City Attorney.

Mayor Johnson stated that the second "you" in paragraph 1 refers to the City Council; the Council needs to determine Mr. Hartinger's intention; the City Attorney would have a conflict of interest if the outside attorney working for the Council had to go to the City Attorney for advice.

The Assistant City Attorney stated that the scope is very narrow; the Council would need to stay within the scope.

Mayor Johnson inquired whether "you" in the sentence "provide legal services for additional matters that you request..." refers to the Council or City Attorney.

Mr. Hartinger stated the Agreement is addressed to the City Attorney; the City Attorney is the conduit through which retention would occur.

* * *

Mayor Johnson called a recess at 5:47 p.m. and reconvened the Special Meeting at 6:30 p.m.

* * *

(05-____) Adjournment to Closed Session to consider: Conference

with Labor Negotiators; Agency Negotiators: Arthur Hartinger of Meyers, Nave, Riback Silver and Wilson; Employee: City Attorney.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that discussed the City Attorney contract and gave direction Negotiator.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 7:30 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

UNAPPROVED MINUTES
MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -MAY 17, 2005- -7:10 P.M.

Mayor Johnson convened the special meeting at 7:20 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore,
Matarrese and Mayor Johnson - 5.

Absent: None.

The special meeting was adjourned to Closed Session to consider:

(05-) Conference with Legal Counsel - Existing Litigation; Name
of case: St. Paul Property and Liability Insurance v. City of
Alameda.

Following the closed session, the special meeting was reconvened
and Mayor Johnson announced that the Council gave direction to the
City Attorney.

Adjournment

There being no further business, Mayor Johnson adjourned the
special meeting at 7:25 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown
Act.

UNAPPROVED MINUTES
MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY - - MAY 17, 2005 - - 7:30 P.M.

Mayor Johnson convened the regular meeting at 8:15 p.m.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Gilmore,
Matarrese and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

(05-___) Mayor Johnson announced that the Resolution Declaring Support for Measure A [paragraph no. 05-___] would be addressed first; and next, the Resolution Recognizing the Selection of the City of Wuxi, China as Alameda's Friendship City [paragraph no. 05-___] would be addressed along with the welcome and presentation honoring Friendship City delegation [paragraph no. 05-___].

REGULAR AGENDA ITEM

(05-___) Resolution No. 13939, "Declaring Support for Measure A, Alameda Unified School District Parcel Tax Measure." Adopted.

Michael McMahon, School Board President, stated voters approved a \$109 parcel tax in 2001, which gave the schools an additional \$1.8 million; the Board is requesting that the Council adopt a resolution supporting expansion of the tax for the next seven years.

Amy Costa, District Director for Senator Don Perata, stated Senator Perata could not be present due to budget negotiations; conveyed Senator Perata's support for Measure A; State funding has been volatile; Measure A would provide funding stability to the school district.

Richard Heaps, Alameda Parent Teacher Association (PTA) Council President and 2001 Measure A Oversight Committee Member, stated Measure A has the support of the PTA Council; the Oversight Committee has seen the results of reduced class sizes and other programs supported by the 2001 Measure A funding, and would like to see the funding continue and expand.

Ron Mooney, Alamedans for Better Schools Co-Chair, urged adoption of the resolution; thanked the Councilmembers for their individual support; stated school funding is set by the State; the Measure provides funding that the District uses to support critically

important programs; noted an argument was not filed against the Measure.

Councilmember Matarrese moved adoption of the resolution.

Councilmember Matarrese stated the schools have an impact on the whole City; the funding will keep programs in place and forestall any possibility of outside control, which would consist of the County or State telling Alameda how to run its school district.

Vice Mayor Gilmore stated kids are owed a good, quality education; the City cannot count on the State to provide funding.

Councilmember Daysog stated the resolution is of vital interest to the City.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember deHaan stated the quality of education is one of the most important things in the City.

Mayor Johnson stated schools would face cuts if the Measure does not pass; Senator Perata is trying to equalize State funding of education; school facilities in other communities are higher quality; the Alameda Unified School District has done an excellent job with the amount of funding it receives; she was impressed with the teacher and students when she visited a second grade class at Miller School.

On the call for the question, the motion carried by unanimous voice vote - 5.

SPECIAL ORDER OF THE DAY AND REGULAR AGENDA ITEM

(05-) Welcome and presentation honoring Friendship City delegation from Wuxi, China; and

(05- A) Resolution No. 13940, "Recognizing the Selection of the City of Wuxi, China as Alameda's Friendship City and Authorizing the Mayor to Sign a Memorandum of Understanding Regarding the Formulation and Implementation of Sister City Relations." Adopted.

Jim Franz and Stuart Chan of the Social Service Human Relations Board introduced interpreter Tu Zhongliang, Deputy Director, Wuxi Municipal Foreign Affairs Office, who introduced the Wuxi delegation: Wang Zhuping, Vice Chairman, Chinese People's Political Consultative Conference (CPPCC); Zhou Yonggeng, Secretary General

CPPCC; Bian He, Deputy Secretary General CPPCC; and Jiang Guoliang, Director of Study, Culture and History CPPCC.

Mayor Johnson introduced the Friends of Wuxi Committee: Nancy Li, Chair; Hans Wong, Vice-Chair; and Otto Huang, Honorary Chair.

Mayor Johnson read the resolution, which the translator also read in Chinese.

Councilmember Matarrese moved adoption of the resolution.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

Mayor Johnson and Wang Zhuping signed the Memorandum of Understanding (MOU).

Mr. Zhuping stated he is happy to sign the MOU to establish sister City relations with Alameda and hopes relationships will develop further.

Mayor Johnson stated the entire community is proud to be moving forward with the Sister City relationship, particularly residents of Chinese heritage and ancestry.

The delegation presented gifts to the City.

Mayor Johnson presented a pewter plate with the City seal.

CONSENT CALENDAR

Mayor Johnson announced that the recommendation to authorize installation of an All-Way Stop Control [paragraph no. 05-__] was removed from the Consent Calendar for discussion.

Councilmember Matarrese moved approval of the remainder of the Consent Calendar.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*05-__) Minutes of the Special and Regular City Council Meetings held on May 3, 2005; and the Special City Council Meeting held on May 4, 2005. Approved.

(*05-) Ratified bills in the amount of \$3,161,657.93.

(*05-) Recommendation to accept Quarterly Sales Tax Report for the Period Ending March 31, 2005 for sales transactions in the Fourth Calendar Quarter of 2005. Accepted.

(*05-) Recommendation to adopt Specifications and authorize Call for Bids for one animal control vehicle. Accepted.

(*05-) Recommendation to adopt Plans and Specifications and authorize Call for Bids for Cyclic Sewer Repair Project, Phase 4, No. P.W. 05-03-11. Accepted.

(05-) Recommendation to authorize installation of an All-Way Stop Control at the intersection of Santa Clara Avenue and Sherman Street.

Don Patterson, Alameda, stated that he opposes the four-way stop sign; the Transportation Technical Team (TTT) did not address the real problem of why Sherman Street is operating as a major thoroughfare; the General Plan Traffic Element's goal and intent is to have a transportation plan with traffic controls and techniques that direct and keep traffic on major streets; questioned how the City can make decisions without the advice of a professional traffic engineer on staff; stated said position has been vacant since October 2003; urged Council to direct the Acting City Manager to hire a traffic engineer; suggested the application be withdrawn; noted the individual who filed the application has not participated in any of the public hearings and must not be very serious about the request; stated the stop sign should only be addressed in the context of a total transportation plan, not a band-aid approach that would only exacerbate the problem by moving traffic faster along Sherman Street.

Stanton Scott, Alameda, stated that he has witnessed many accidents at the intersection; increased traffic has become more aggressive; that he supports some form of traffic controls; stop signs would be good.

Mary Amen, Alameda, stated that she represents a group of Santa Clara Avenue residents who are opposed to the stop sign; she gathered signatures in the four blocks directly affected; the residents would like the City to implement traffic calming devices before deciding to have 7000 cars a day stop in front of homes, including 12 buses per hour; accident statistics dropped to one per year after the City addressed visibility issues; buses and cars travel at 40 miles per hour (mph) during peak times; cross traffic could pass safely if cars traveled at the 25 mph speed limit; the

U.S. Department of Transportation and CalTrans guidelines indicate stop signs should not be used for speed control; the Police Department is called to ticket cars parked in red zones at all corners of the intersection on a daily basis; submitted photographs of cars parked in the red zone.

Kathy Gardner, Alameda, stated the intersection does not have cross walks; drivers on Santa Clara Avenue do not stop for pedestrians; there should be a stoplight, not a stop sign, at the intersection; drivers on Sherman Street cannot see traffic on Santa Clara Avenue; something needs to be done; there have been multiple accidents; an all-way stop sign is not the best solution; crosswalks and pressure sensitive stoplights should be installed.

The Public Works Director stated the intersection meets the traffic volume warrant and accident warrant; the TTT recognized that the stop sign would impact residents; Council is being requested to approve the all-way stop because it is the best short-term way to address the traffic operation issues; the TTT recognized an all-way stop is not the best long-term solution; Public Works staff is to provide long-term traffic operation safety at the intersection, including a review of installing a traffic signal or flashing yellow signal; Public Works will review how to improve traffic circulation in the area, how to de-emphasize Sherman Street, and coordination of traffic corridors.

Mayor Johnson stated that she has asked for an overall, comprehensive review of the issue over the years, instead of putting in four-way stops when the City receives requests; inquired what impact a four-way stop would have on Sherman Street; would the stop encourage more traffic on Sherman Street; should the City discourage additional traffic on Sherman Street; stated the City has been trying to equalize traffic on Santa Clara, Lincoln and Buena Vista Avenues; inquired whether the proposed stop sign would put an unfair burden on Lincoln and Buena Vista Avenues; stated every street in Alameda is a neighborhood; pushing traffic from one street to another is not fair; a comprehensive review is needed to address traffic issues; that she wants a better sense of impacts [before proceeding with a stop sign]; that she agrees with Santa Clara Avenue residents because she would not want cars and buses stopping and starting in front of her house.

The Public Works Director stated the Public Works Department is in the process of completing a Transportation Master Plan (TMP), which would strategically review how the City should assign traffic street by street.

Mayor Johnson stated both residents speaking in support of some

form of traffic control are willing to consider other methods; one stated a four-way stop sign is not the best way; if staff is working on a comprehensive strategic plan and there has only been one accident each of the last four years, Council should postpone review until information from the strategic plan is available.

The Public Works Director stated there is a concern that since all way stop warrants are met, the City might open itself up to liability.

Mayor Johnson stated there would be many more four-way stop signs if the City studied every intersection to determine whether warrants are met.

In response to Mayor Johnson's inquiry about whether the City Attorney wished to address liability, the City Attorney stated not in public; holding the matter over would not be a problem.

Councilmember deHaan stated that he travels on Sherman Street; a number of accidents are probably not reported; that he has witnessed accidents; lateral corridors are impacted when vehicles travel to the South Shore area; vehicles travel 40 mph down Santa Clara Avenue; crossing the intersection is a challenge; hopefully, traffic can be diverted [off of Sherman Street] at some point.

Councilmember Daysog inquired whether staff has data on whether peak traffic on Sherman Street has changed; stated there are probably younger families in the Gold Coast now; Sherman Street traffic volumes might be increasing because it is probably easier for workers to commute down Sherman Street rather than traveling down Constitution Way and Eighth Street.

Mayor Johnson stated analysis of Councilmember Daysog's idea would be interesting to review and is why the City needs to pay attention to the impacts of stop signs; Constitution Way should handle more traffic; the City should be encouraging drivers to use Constitution Way; the City should review whether drivers are discouraged from using Constitution Way because of the traffic controls.

Councilmember Daysog stated Constitution Way narrows down to one lane at Eighth Street; there is a bottleneck on Eighth Street at Santa Clara and Central Avenues at commute hours, which makes it more convenient to use alternate routes, such as Sherman Street.

Mayor Johnson stated the convenience created could be a result of the City's traffic controls and roadway configuration and is the reason the City needs to be strategic and design how people get around and off Alameda.

Councilmember deHaan stated Sherman Street becomes a bypass to get onto Grand Street to travel to South Shore; drivers try to find the easiest path; for example, changes on Buena Vista Avenue are causing Pacific Avenue to become a major road; everything has secondary impacts; that he understands the concerns about a four-way stop; however, a measure of control is needed [at Santa Clara Avenue and Sherman Street].

The Public Works Director stated Councilmember Daysog's idea has not been reviewed; data could be analyzed; staff reviewed the traffic characteristic on Sherman Street; the average daily volume along Sherman Street is 5,500 vehicles at Buena Vista Avenue, 3,100 at Pacific Avenue and 2,500 at Santa Clara Avenue; the grid system is designed to filter people and is working; both Sherman Street and Santa Clara Avenue are minor streets; traffic volumes on Santa Clara Avenue are higher than Sherman Street; since volumes on Santa Clara Avenue are acceptable, then volumes on Sherman Street must also be acceptable.

Mayor Johnson inquired whether Santa Clara Avenue is wider than Sherman Street, to which the Public Works Director responded in the affirmative; stated Santa Clara Avenue is designated as a minor street in the General Plan.

Mayor Johnson stated Sherman Street should not be treated the same as Santa Clara Avenue as far as traffic loads.

The Public Works Director stated that he agrees there needs to be a strategic plan; the all-way stop is the best option for now with the funding available; noted Council approved funding to complete a Pedestrian Plan tonight, which is an element of the TMP.

Councilmember Matarrese stated the City should do anything possible to decrease the volume of traffic on Sherman Street; the character of Sherman Street is different than Santa Clara Avenue; the biggest problem is the excessive speed on Santa Clara Avenue; suggested the Police Department put together a program which tickets people traveling above the speed limit on Santa Clara Avenue to slow down traffic; stated most of the accidents are probably caused by excessive speed, rather than lack of a stop sign on Santa Clara Avenue; the City should review what can be done in the short term to encourage people to take other north/south streets, such as Constitution Way and Grand Street; noted the intersection is a block away from Mastick Senior Center; suggested that Council postpone the decision until there are answers about what can be done to reduce the load on Sherman Street in the short term.

Mayor Johnson stated that Council should wait; Council should direct staff to review other ways to remedy the problem at the intersection and review whether traffic would be pushed to Lincoln and Buena Vista Avenues before a four-way stop sign is installed; the traffic lights on Constitution Way should be timed to prevent bottlenecking and encourage drivers to use it.

Councilmember Matarrese stated speakers mentioned that the City does not have a certified traffic engineer; requested staff to comment on the matter.

Councilmember Daysog noted there have been two pedestrian deaths on Constitution Way, which should be kept in mind; stated there should be a greater review of the data; requested a comparison with previous levels to determine whether Gold Coast residents are commuting down Sherman Street.

Vice Mayor Gilmore stated the problem is traffic traveling to the Gold Coast or South Shore filters down Sherman Street, as well as Bay and Saint Charles Streets, to avoid the bottleneck on Eighth Street.

Councilmember deHaan noted people are using other routes because Grand Street is becoming a bottleneck in the morning; a remedy is needed while waiting for the traffic study; police activity is temporary; pedestrian crosswalk paddles and blinking lights work well and should be considered; the intersection was a high priority for a traffic signal fifteen years ago; a solution is needed.

Councilmember Daysog concurred with Councilmember deHaan's suggestion to install pedestrian paddles; requested the liability issue be addressed related to postponement.

The Public Works Director stated paddles could not be installed until there are crosswalks at the intersection; Public Works would need at least four weeks to compile data requested by Council.

Councilmember Daysog moved approval of postponing the matter.

Mayor Johnson inquired whether the motion included direction for staff to review alternative remedies and other issues raised by the Council.

Councilmember Daysog amended the motion to include direction to staff to review alternative remedies and other issues raised by Council.

Councilmember Matarrese seconded the motion.

Under discussion, Councilmember Matarrese requested that police officers begin enforcement in the area immediately to slow down traffic while analysis is being completed.

Councilmember deHaan inquired whether the speed board [radar trailer] retains data, to which the Public Works Director responded in the negative.

Mayor Johnson inquired whether the equipment has the capacity to retain information, to which the Public Works Director responded in the negative.

Mayor Johnson stated Oakland's equipment has messages, such as: "please drive slowly this our neighborhood" or "children at play;" suggested use of the radar trailer and, if effective, the purchase of additional radar trailers.

Councilmember deHaan stated other cities have permanent speed display devices.

The Public Works Director stated staff applied for grants and may have received funding for a smaller device showing traveling speed on Lincoln Avenue; suggested staff be authorized to proceed with putting up pedestrian and speed limit signs, along with the enforcement and radar trailer.

Mayor Johnson stated that Council would not object to staff taking said actions; drivers forget everywhere in Alameda is someone's neighborhood.

On the call for the question, the motion carried by unanimous voice vote - 5.

(*05-____) Resolution No. 13941, "Authorizing the use of Measure B Countywide Discretionary Fund Grant from Alameda County Transportation Improvement Authority (ACTIA) and Matching Funds from the City's Local Measure B Allocation to Complete a Citywide Pedestrian Plan." Adopted.

(*05-____) Resolution No. 13942, "Extending Period for Providing Low and Moderate Income Housing Pursuant to Health and Safety Code Section 33334.16 for 30 Units Within the Bachelor Officers' Quarters at Alameda Point." Adopted.

(*05-____) Resolution No. 13943, "Resolution of Intention to Levy an Annual Assessment on the Alameda Business Improvement Area of the City of Alameda for FY 2005-06 and Set a Public Hearing for June 7,

2005." Adopted.

(*05-) Introduction of Ordinance Amending the Alameda Municipal Code to Increase the Composition of the Recreation and Park Commission from Five to Seven Members by Amending Subsections 2-7.2 (Membership; Appointment; Removal), 2-7.3 (Qualification: Voting of Section 2-7 (City Recreation and Park Commission). Introduced.

REGULAR AGENDA ITEMS

(05-) Public Hearing to establish Proposition 4 Limit (Appropriation Limit) for Fiscal Year 2005-06; and

(05-) Resolution No. 13944, "Establishing Appropriations Limit for Fiscal Year 2005-06." Adopted.

Councilmember Daysog moved adoption of the resolution.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(05-) Public Hearing to consider collection of Delinquent Business License Fees via the Property Tax Bills.

Mayor Johnson opened the Public Hearing.

Huong Anh Silver, SOS Urethane Foam Roofing, stated the company has been closed since 1996 and does not have a contractor license.

Mayor Johnson inquired whether Ms. Silver contacted the Finance Department, to which Ms. Silver responded in the affirmative; stated the Finance Department stated paperwork was not adequate and SOS Urethane Foam Roofing has been listed in the telephone book.

Sherman Silver, SOS Urethane Foam Roofing, stated that he shut down the roofing company; that he is keeping his license with the State contractors board until he dies; he removed the sign in his front yard tonight; outlined his medical condition; stated he is not roofing anymore.

Mayor Johnson inquired whether Council could vote on the rest and hold over SOS Roofing to allow staff to take a closer look, to which staff responded in the affirmative.

In response to Mr. Silver's question about review of his materials, Mayor Johnson stated the Finance Director would review everything.

There being no further speakers, Mayor Johnson closed the public

portion of the Hearing.

Councilmember Matarrese moved approval of the staff recommendation.

Vice Mayor Gilmore seconded the motion.

Mayor Johnson inquired whether the motion was to exclude SOS Urethane Foam Roofing, to which Councilmember Matarrese responded in the affirmative.

On the call for the question, the motion carried by unanimous voice vote - 5.

Mayor Johnson inquired whether the matter would come back to Council if additional action was necessary, to which staff responded in the affirmative.

(05-) Public Hearing to consider an Appeal of the Historical Advisory Board's approval of a Landscaping Plan for planting two Coast Live Oak trees on the vacant property at 301 Spruce Street. The submittal of a Landscaping Plan, as part of new development proposals, was required by the Historical Advisory Board as a condition for the removal of one Coast Live Oak tree in 2001; **and adoption of related resolution.** The site is located at 301 Spruce Street within the R-4 Neighborhood Residential Zoning District. Applicant: Bill Wong for Hai Ky Lam. Appellant: Patrick Lynch and Jeanne Nader.

Mayor Johnson opened the Public Hearing.

Proponents (In Favor of Appeal): Patrick Lynch, Appellant; Jeanne Nader, Appellant.

Opponents (Opposed to Appeal): Ivan Chiu, representing Applicant.

There being no further speakers Mayor Johnson closed the public portion of the hearing.

Following the Appellant's comments, Mayor Johnson inquired why there has been uncertainty about whether there was a Code violation.

The Supervising Planner responded the Police were called when removal of the oak tree began; the officer was not aware Coast Live Oaks are protected; Planning staff was very clear that there was a violation when contacted about the tree.

Mayor Johnson requested the Appellants to provide staff with a copy

of a letter from former City Manager Jim Flint.

The Supervising Planner noted the Council is considering the Historical Advisory Board (HAB) approval that the two replacement oaks are in the proper place; a requirement of allowing the tree to be removed was that the HAB would review the landscaping plan.

Councilmember deHaan inquired whether the existing two oaks would remain in place, to which the Supervising Planner responded in the affirmative; noted one is partially on City property.

Councilmember deHaan inquired whether staff reviewed damage to the remaining trees.

The Supervising Planner stated the HAB required that the oak trees be protected during development and required a registered arborist advise the Applicant.

Vice Mayor Gilmore stated the two existing oak trees are being maintained in their present condition and two more oak trees are being planted in positions determined by a landscape architect; inquired whether the complaint is that the two new oak trees are not in the correct position.

The Supervising Planner responded the complaints are that the HAB determined that the project was categorically exempt from California Environment Quality Act (CEQA) and the two trees on the site are not properly protected.

Vice Mayor Gilmore inquired whether the landscape plan has been modified since approved by the HAB.

The Supervising Planner responded the site plan has been modified, not the landscape plan; the building was moved five feet from the existing tree.

In response to Vice Mayor Gilmore's inquiry about whether building a single family home is categorically exempt from CEQA, the Supervising Planner stated CEQA permits construction of single family homes to be categorically exempt.

Vice Mayor Gilmore inquired why building of the house, which is exempt from CEQA, could not proceed even if a CEQA review were required for adding new trees.

The Supervising Planner responded Mr. Lynch is referring to segmentation; CEQA and the courts do not look kindly upon segmenting a project into pieces, which would be exempt

individually, but which taken together would not be exempt.

Vice Mayor Gilmore inquired whether segmenting is clearly not the case for the project, to which the Supervising Planner responded staff does not believe segmenting has occurred.

Councilmember Daysog inquired why CEQA would be required for the trees.

The Supervising Planner stated the project is a single family home; there is a landscape plan which is part of the project; the HAB had purview over the two new oak trees in the landscape plan as a condition of a previous approval [to allow removal of an oak tree]; the HAB was concerned with ensuring the two new replacement trees, which are required when an oak tree is allowed to be removed, would be located in a spot where the trees would thrive.

In response to Vice Mayor Gilmore's inquiry regarding the basis for the appeal, Mayor Johnson stated the concern is the construction process and the impact on and protection of the two existing trees.

Mayor Johnson inquired whether an arborist was hired, to which the Supervising Planner responded in the affirmative.

Mayor Johnson inquired whether staff believes there are adequate measures in place to protect the two existing trees, to which the Supervising Planner responded in the affirmative.

Councilmember Daysog inquired whether the Appellants believe the measures are adequate.

Ms. Nader responded the problem is she understood there would be no construction activity after the Appeal was filed; the Applicant used a front end loader on top of the root system of the trees on April 25, which the arborist instructed him not to do without protection; the Applicant exposed and cut into several tree roots; the certified arborist, which she hired to look at the trees, determined the damage could be mortally wounding; that she was informed by City staff that the City does not have money for a certified arborist to ensure the trees are protected; the damage occurred after the appeal; the owner has blatantly disregarded the recommendation from his own arborist; the Applicant drove over the root system to move fill across the property; Code Compliance indicated tread marks were not apparent; her arborist indicated any contamination in the fill would kill the trees.

Mayor Johnson inquired what the City could do about the issue.

The Supervising Planner responded staff attempts to do everything possible to ensure that property owners comply with regulations.

Mayor Johnson inquired whether the City could require the arborist to submit a periodic report regarding compliance with recommendations, to which the Supervising Planner responded the suggestion might be a good solution.

Councilmember Daysog inquired whether Ms. Nader's comments are factually correct, to which the Supervising Planner responded that she did not know.

Councilmember Daysog inquired whether the Appellants provided information to staff, to which the Supervising Planner responded staff probably visited the site since Ms. Nader mentioned Code Enforcement.

Councilmember deHaan inquired whether Code Enforcement staff provided feedback about the site visit, to which the Chief Building Official responded that he would review the matter and report back to Council.

Councilmember deHaan stated that he visited the site; that he is concerned about the disruption around the tree; the owner should be requested to agree to stipulations overseeing the construction activity.

Bill Wong, Architect for Applicant, stated the arborist recommended a fence around the tree during construction.

Mayor Johnson stated the Council wants to allow the Applicant to proceed, but the Applicant needs to protect the trees.

Mr. Wong stated the fence would be put in place once the project is approved.

Mayor Johnson requested the arborist to explain what needs to be done to protect the trees during construction; inquired whether he was retained to provide oversight during construction.

Christopher Bowen, Project Arborist, stated that he discussed the matter with Planning staff and determined the drip line should be fenced off.

Mayor Johnson inquired whether other measures were being recommended.

Mr. Bowen responded the fence was to be installed prior to

construction; that he recommends bails of hay be placed around the tree, the trunk be wrapped in carpet, and 2" x 4" lumber be strapped to branches when construction commences; protecting the root system is the most important action; that he recommends placing a thin layer of compost, wood chips, and plywood to protect the root system.

Vice Mayor Gilmore inquired when Mr. Bowen last visited the site, to which Mr. Bowen responded about a month ago, on April 7.

Vice Mayor Gilmore inquired whether Mr. Bowen has visited the site to witness the activity.

Councilmember deHaan inquired whether Mr. Bowen has seen the exposed root system, to which Mr. Bowen responded in the negative.

Councilmember deHaan noted the fenced off area is only five feet.

Mayor Johnson stated Mr. Bowen should conduct further analysis and determine whether restoration is needed before other measures are implemented.

Vice Mayor Gilmore stated Mr. Bowen visited the site a month ago and created a plan for protection of the tree; apparently the plan was ignored; that she is not convinced a plan will be followed; that she understands the neighbors' concern; inquired whether the City could require the owners to post a bond for the security of the trees.

The City Attorney responded in the affirmative; noted the resolution states: "prior to issuance of building permits for the development on the site, the Applicants shall sign and record with the County Recorder's Office a Landscape Maintenance Agreement with the City to ensure maintenance of the Coast Live Oak Trees on the property. The Landscape Maintenance Agreement shall be in effect for five years from the date of the recording;" Council is discussing having specific terms and conditions as part of the recorded Agreement that runs with the land and any violations can be enforced through Code Enforcement; the terms and conditions could include posting of a bond to ensure protection.

Councilmember Daysog noted that the City Council has certain powers under the City Charter with regard to compelling testimony; inquired when the arborist heard about the disturbance at the site.

Mr. Bowen responded tonight; the last time he spoke to the owner was to give advice on how to set up a fence around the drip line of the tree; that he understood the site would be untouched until the

building process began; he was unaware any site work was being done; his recommendations were to take place before construction began; he was informed that the fence was installed; that he was not hired to install the fence.

Mayor Johnson suggested the matter be continued since there has been some disruption on the site; the arborist could inform the City about ways to protect the tree, which could be used as conditions in the approval and the matter could return to Council; the owner needs to understand the conditions are serious and cannot be disregarded, and there should not be any other activity on the site.

Councilmember Matarrese moved approval of continuing the hearing.

Councilmember Matarrese stated the arborist's assessment should include whether the damage jeopardizes the tree; the City needs to take a close look and have a binding report.

Councilmember Daysog stated that he is interested in determining what occurred at the site: were conditions disregarded, was there an accident or did nothing happen.

Councilmember deHaan stated the soil brought onto the site does not look clean; the City should review the source of the soil and determine if there is a problem.

Councilmember Matarrese stated the owner should be liable for making the determination; the City should request that the owner conduct a soil test.

The City Attorney stated a design review appeal could be forthcoming in four weeks and the two issues could be combined.

Mayor Johnson stated the City should not assume there would be an appeal of the design review.

Councilmember Matarrese stated the tree issue should be resolved.

Mayor Johnson requested the matter return at the next Council meeting.

Vice Mayor Gilmore stated the conditions of approval should have teeth, which could be anything from having a bond posted or recording documentation; encouraged the City Attorney to be creative.

Councilmember deHaan inquired whether Councilmember Matarrese would

amend the motion to include requiring a review of the soil condition.

Councilmember Matarrese agreed to amend the motion accordingly.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

(05-____) Recommendation to develop two separate voluntary seismic retrofit programs.

Ken Gutleben, Alameda, thanked City staff for making long overdue recommendations; stated the program will lay down the foundation for developing a safer community; Victorians are extremely vulnerable to seismic activity; obtaining permits to retrofit Victorians is difficult due to strict design review laws.

Councilmember deHaan stated Victorian homes often have brick foundations, are not bolted and do not have any kind of earthquake bracing.

Councilmember deHaan moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(05-____) Recommendation to accept Report on results of Actuarial Valuations of the Police and Fire Retirement 1079 and 1082 Plans and the Retiree Health Care Plan.

The Finance Director gave a brief review of the reports.

Councilmember Daysog inquired whether the new Governmental Accounting Standards Board (GASB) rules are different and how the City proceeded in the past.

The Finance Director stated the current rule requires a valuation of the 1079 and 1082 plans once each three years; a roll forward letter is completed and there is a footnote in the City's Comprehensive Annual Financial Report (CAFR) in between years; there is not a lot to report since the City funds on a pay as you go basis; there will be a new rule pertaining to other post employment benefits in 2007; the actuarial was completed to look ahead and determine the value of the Retiree Health Care Plan benefits in the future; the new GASB rules require a lot of the data to be reported; the reporting for the Retiree Health Care Plan will become almost as extensive as the reporting for the 1079 and 1082 plans; additionally, the City will have to decide whether to

fund pay as you go or find a way to fund the entire plan, which needs further review.

Councilmember Daysog inquired whether the reports attempt to make the information more transparent and look at future liabilities, to which the Finance Director responded in the affirmative.

Councilmember deHaan inquired whether the City would develop a plan, to which the Finance Director responded in the affirmative.

Mayor Johnson inquired whether the 10-year plan being formulated would include the liabilities.

The Finance Director responded in the affirmative; stated how the City funds the liability needs to be determined.

Councilmember Matarrese inquired whether the two plans are limited and new employees are not being added.

The Finance Director responded the 1079 and 1082 plans are closed; the other post employment benefits are for employees who have or will retire under the current agreements in place.

Councilmember Daysog stated the City is making plans and examining liabilities; other cities, such as San Diego, raided funds that should have gone toward liabilities and are almost bankrupt; inquired whether the reports are related to said case.

The Finance Director responded the rule was in place and had not been implemented; the San Diego crisis just occurred at the same time.

Mayor Johnson stated the actuarials, along with the 10-year plan, are very important; the City needs to consider current obligations in evaluating economic decisions in the future.

The Acting City Manager stated the point in evaluating the liability and establishing a plan is to ensure the City does not end up like San Diego in the future; the City should start mitigation and establish a plan.

Councilmember deHaan inquired whether the costs appear under the retirees' names on the monthly expenditures check register [bills for ratification], to which the Finance Director responded affirmative.

Councilmember deHaan inquired whether one plan is \$68,000 and the other is \$37,000 per month, the Finance Director responded that she

could review and confirm the figures.

Vice Mayor Gilmore inquired whether the actuarial accrued liability is in excess of \$70 million for both the closed plans and the on-going retiree benefits.

The Finance Director responded in the negative; stated \$70 million is for the retiree benefit plan; the actuarial accrued liability for the 1079 and 1082 plans is \$31,683,000 as of January 1, 2005.

Councilmember Daysog inquired whether the outstanding liabilities are reported to bond underwriters.

The Finance Director responded bond underwriters receive the CAFR for three prior years; the liabilities are included in the footnotes.

Councilmember Daysog inquired whether the outstanding liabilities would affect the City's bond rating.

The Finance Director responded in the affirmative; stated the City is judged on whether or not a plan has been established; pay as you go is one plan.

In response to Mayor Johnson's inquiry whether a plan would be brought to Council, the Finance Director stated a report would be brought back shortly after the first draft of the 10-year plan.

Councilmember Daysog inquired whether Alameda's liabilities are typical for a city of its size.

The Finance Director stated the City's consultant who completed the study could respond.

John Bartel, Bartel Associates, stated the City of Alameda's 1079 and 1082 plans are a little unique; most agencies do not have frozen plans; the retiree health care plan is a \$70 million unfunded liability with two separate promises: safety and non-safety; the promise to the non-safety group is at the lower quartile of what other agencies promise; the promise to the safety group is in line with an upper quartile of what agencies promise.

Councilmember Daysog requested a background report on the matter to understand the quartiles and median being used.

(05-) Presentation on the Operating Budget and Capital Improvements for Fiscal Year 2005-06.

The Acting City Manager provided a brief report on the budget and provided examples of surrounding cities budget problems.

Councilmember Matarrese stated that he appreciates the clarity of the staff report.

Mayor Johnson stated the proposal is a good approach to balancing the budget, which Council needs to continue working on; savings are the result of keeping positions vacant; a more permanent solution is needed to address on-going decreases and shortfalls in revenues; the proposed budget is a good place to start; despite numerous budget sessions last year, a balanced budget was not reached; thanked the Acting City Manager for his work; stated that she would like to see a combination of legal expenses in one place; legal expenses are under the City Attorney's office, Risk Management, and Alameda Power and Telecom; the legal budget should be more apparent; tracking is difficult when the entire legal budget is not in one place.

The Acting City Manager stated staff would provide the information.

Councilmember Daysog stated that he appreciates the summary highlighting the \$1.9 million gap and how the gap was filled; inquired whether the budget includes the \$1.8 million decrease in Alameda Reuse and Redevelopment (ARRA) funds.

The Acting City Manager responded in the affirmative; stated the \$1.8 million reduced ARRA revenue caused part of the problem.

Councilmember Daysog stated the Recreation and Park Director position is being left vacant, which is leading to a policy issue of how the Council wants to organize department heads; under the Charter, the Council is responsible for organizing departments; a background on the issue should be provided when the budget adoption is considered.

Mayor Johnson stated Councilmember Daysog is raising the type of long-term issues she was raising; Council will probably look at reducing the number of department heads.

Councilmember Matarrese stated the recommendation is simply for the next fiscal year; the position is not being eliminated; Council needs to make a decision about structure at some point.

The Acting City Manager stated staff is not requesting the position be eliminated, but is requesting that Council de-fund the position; staff is requesting the position remain in place, without funding; Council would have the policy decision about whether or not to fill

the position if funding becomes available.

Mayor Johnson stated Council could begin working on the larger issue; the Acting City Manager should not be expected to deal with the budget problem and the major project of restructuring the City's government, which is a longer term issue that needs to be addressed separate from the budget.

The Acting City Manager stated the proposed budget gets the City through the next year; hopefully the State will live up to the requirements of Constitutional Amendment 1A and no longer take city revenues, which would put the City in a better position the following year.

Councilmember deHaan stated that he would not exclude reviewing reorganization for the next year budget; staff has the knowledge to determine service impacts; the budget is a major step in the right direction; all budgets should be reviewed, not just the General Fund.

The Acting City Manager stated the Council should be aware of other funds in the City; the budget document addresses other funds, but other funds were not highlighted in the staff report; the major deficit is in the General Fund, which funds most departments.

Councilmember deHaan stated deficits would occur in some of the funded programs and adjustments would be necessary.

Vice Mayor Gilmore thanked staff for the clarity of the report; stated the Council is concerned about not filling vacant positions and about reductions in force; Department Head presentations [at the next meeting] should address how reductions affect service delivery to citizens; the Council should adopt the budget with eyes wide open and the citizens should know what is coming down the pike; if it will take staff longer to respond to questions after budget adoption, people should know before it occurs; the community should be involved; hopefully, there will be more citizen participation at the next meeting; suggested the matter be placed earlier on the agenda.

Councilmember Daysog stated the City should know the profile of a full service city; if the police force is down to 104 officers, the Council should know whether similar size cities have more officers; the public should have the context of where the City is versus where the City should be even if there might not be funding to increase the number of officers; the budget should include said information; requested a distribution of budget reductions by department; suggested a comparison of budget reductions versus

operating cost to come up with an index which would indicated whether anyone is being disproportionately impacted.

The Acting City Manager stated an across the board cut was not implemented; some departments have been hit more heavily than others; the cuts were based upon a judgment he conveyed to departments based on his understanding of the Council's service delivery priorities; cuts were made in departments with the ability to provide the level of service that the Council has indicated should continue.

Mayor Johnson stated the Council has expressed that across the board cuts are not the correct approach; the proposed budget is a good attempt to reflect the Council's priorities.

Councilmember Daysog stated that he was not opposed to implementing a one-day furlough instead of eliminating actual positions; the proposed budget does not trigger the need for one-day furloughs; the trigger would have been met if more positions were being cut.

The Acting City Manager noted four positions are being eliminated.

Councilmember Daysog stated if a number of police officers and fire fighters were being eliminated, considering options would have been necessary.

Mayor Johnson stated the proposed budget is a solution for next year, not a long-term solution; the Council will have to decide whether positions remaining vacant should be eliminated or funded at some point.

Councilmember deHaan stated staff and service levels for the last five or ten years should be reviewed to determine where the belt needs to be tightened or where positions should be added.

Mayor Johnson suggested staffing levels for the last seven years be reviewed.

The Acting City Manager responded said information would be provided.

Councilmember Matarrese stated the public should know the impact of eliminating four positions; Council needs to understand impacts to evaluate whether the Council's priorities are being met prior to voting.

The Acting City Manager inquired whether Council would like a short impact statement from each department head.

Councilmember Matarrese responded only for the four departments with cuts.

Mayor Johnson concurred.

Vice Mayor Gilmore stated there is not a need to go through each department, especially departments not losing actual employees.

Councilmember Daysog stated that he is interested in creating a profile for Alameda's budget; the International City Management Association (ICMA) has certain ratios on the number of police officers and fire fighters; inquired whether ratios were available for the public works, planning and recreation departments; stated ratios might indicate additional funding is needed for a department; a standard other than ICMA could be used; that he would like to know where the City should be.

The Acting City Manager inquired whether Councilmember Daysog was requesting information on ideal staffing levels.

Councilmember Daysog responded in the affirmative; noted Alameda County uses said standards to produce its budget.

Mayor Johnson inquired whether Alameda County uses ICMA standards, to which Councilmember Daysog responded in the negative.

Councilmember Matarrese stated standards are useful for touching base, but historic review of staffing and service levels is very valuable because it is reality; the City has certain realities, such as being an island which has advantages and disadvantages that must be taken into account.

Councilmember Daysog concurred that historic data is good, too; stated ICMA standards probably correlate to what staff is requesting.

Vice Mayor Gilmore stated in addition to presenting information from departments losing a staff person, departments with a large number of vacant positions that interface with the public, such as public safety, should also be discussed at the next Council meeting so the public would be aware of changes in service.

The Acting City Manager noted there would be reductions in force in Development Services, which is funded through sources other than the General Fund.

Mayor Johnson inquired whether there would be a reduction in

positions at Alameda Power and Telecom, to which the Acting City Manager responded in the affirmative.

Councilmember deHaan stated Council has been alluding to the inability to live off of billets being attrited down; cuts might not be appropriate; the City needs to be realistic; the easy way, such as 5% cuts, cannot be used; service needs to be reviewed.

Mayor Johnson stated that she inquired about purchasing goods and contracting locally; creation of central purchasing was a suggested way to do so; requested other ways to ensure as much money as possible is spent in Alameda and not generating tax revenues for other cities if the budget does not allow for the creation of central purchasing.

The Acting City Manager responded staff is addressing the matter; the budget was prepared prior to the request; the matter would return separate from the budget; perhaps a position could be converted.

Councilmember Daysog stated the proposed budget is fabulous, particularly the page reflecting salaries and benefits by department and the statement that: "if adopted, there would be no impact on the General Fund reserve."

John Oldham, Acting President of the Management and Confidential Employees Association (MCEA), thanked the Acting City Manager, Finance Director and Human Resources Department for outlining what is happening with the City budget; stated the MCEA membership is concerned about the proposed cuts and the impact on workload as jobs of association members are eliminated; employees are the foundation of what the City does, which is serve the citizens; the proposed budget requests that employees do more with less, which will erode the customer experience; that he started his career with the City in the Recreation and Park Department as a Park Director; the proposed budget eliminates the position that supervises park directors, which is a loss of a mentor who understands the operation; MCEA understands every position has a similar story and choices will be difficult; MCEA has had just over a week to review the budget and proposed reduction in force; MCEA would like to partner with the City to resolve the budget shortfall, while preserving services, program delivery and the quality of life for Alamedans; requested Council to continue to review unfilled positions to reduce costs and take a closer look at revenues and expenditures before eliminating the positions of employees who have dutifully served the City for years; further stated prior to acting on the budget on June 7, MCEA is asking to work together to look at the whole picture before making a reduction in force; MCEA is

asking for time to review the budget together so that everyone understands the impact of the reduction in force.

(05-) Presentation on the City's infrastructure investment challenges.

Mayor Johnson stated that she considers infrastructure the part of the City's budget deficit; the maintenance of infrastructure has declined in the last several years; although money was saved, it creates a bigger deficit that must be dealt with in the future; the Council needs to decide whether to continue to allow the infrastructure to continue declining or to deal with the deficit and prevent it from growing.

The Public Works Director gave a Power Point presentation on the City's infrastructure.

Mayor Johnson inquired whether the Public Works Director had information on the percent of streets and sidewalks not in good condition, to which the Public Works Director responded that he included said information for streets.

Mayor Johnson stated the information was needed for sidewalks; sidewalks are in bad condition; sidewalks should be made a priority in addition to streets.

Councilmember Daysog inquired whether the annual funding shortfall is \$2 million.

The Public Work Director responded in the affirmative; stated currently \$4 million is funded and \$6.6 million should be funded; the \$2.7 million shortfall does not take into consideration the \$33 million deficit; under-funding each year continues to add to the deficit.

Mayor Johnson stated the economic result of under-funding would be more than \$2.7 million; not completing maintenance causes greater damage.

The Public Works Director concurred; stated there is an optimum point when resurfacing should be completed to be cost effective; many streets are beyond the cost effective point, which results in more costly repair, such as a repair which would have cost \$1 three years prior would now cost \$4.

Mayor Johnson requested pie charts showing the condition of infrastructure other than streets, such as sidewalks and sewers.

Mayor Johnson inquired whether only spending \$750,000 on street resurfacing during the next fiscal year would add to the deficit, to which the Public Works Director responded in the affirmative.

Mayor Johnson stated priorities should be determined.

The Public Works Director stated the department has had a reduction in staff; both the pothole and sidewalk crews had reductions and, as a result, were combined.

Mayor Johnson inquired whether annual contracts included pothole and sidewalk repair.

The Public Works Director responded an annual contractor is responsible for sidewalk repairs; Public Works employees are responsible for inspections, fillets, grinding and minor concrete replacement.

In response to Mayor Johnson's inquiry regarding the contractor's duties, the Public Works Director stated the contractor completes the backlog of permanent concrete repair in 300 to 400 locations.

Councilmember Daysog stated residents would understand budget shortfalls for capital projects, but would not understand the City failing to have a plan, timeline and priorities.

Councilmember Matarrese noted that he would prefer areas be paved over, rather than installing manufactured turf.

* * *

(05-) Councilmember Daysog moved approval of continuing the meeting past 12:00 midnight.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

* * *

Councilmember Daysog stated there is probably \$8 million undesignated in General Fund reserve; the City should change course if the reserve was built up at the expense of sidewalks and streets; the Council should consider allocating above \$300,000; there needs to be a plan; the Council should receive a report on how to proceed.

Mayor Johnson stated the City is reaching the point where something has to be done; people are upset about the condition of sidewalks and streets.

Councilmember Matarrese stated a structural change should be made; spending money upfront will save money later.

Councilmember deHaan inquired whether residents are required to pay for sidewalk repair, to which the Public Works Director responded the City only repairs sidewalks damaged by street trees.

In response to Mayor Johnson's inquiry about sewers, the Public Works Director responded the City's sewers are doing fairly well because there is a dedicated funding source; dedicated funding sources or fees would allow the City to keep up with on-going maintenance.

Councilmember deHaan inquired whether Measure B funds were used for the pothole crew, to which the Public Works Director responded in the affirmative.

In response to Councilmember deHaan's inquiry regarding Measure B funds being a fixed amount, the Public Works Director stated the amount varies because it is based on sales tax.

Councilmember deHaan inquired whether the pothole crew defers the need for maintenance, to which the Public Works Director responded resurfacing is still often needed.

Councilmember Daysog stated little changes can change people's perception; people think negatively of their surroundings if streets and sidewalks are not maintained; people might have confidence the City is on the right track if improvements cannot be fully funded but common areas are improved.

Mayor Johnson stated not dealing with the problem creates a bigger deficit; the Council needs to review the issue; a long-term plan is needed to get infrastructure back in shape.

Councilmember Matarrese stated the sewer system is in good shape because it has a dedicated funding source; a similar option for streets, sidewalks, and median strips should be presented to the public; other funding sources will not solve the problem.

The Acting City Manager stated the presentation was the first step to identify the problem; the next step is to find ways to fund improvements; having something similar to the sewer fund would be good.

Mayor Johnson stated the City must be able to assure the public that a thorough review was completed and there is not any money available in the budget before raising fees; the deficit is huge.

Councilmember deHaan stated the most important thing is to set up a steady funding stream; providing a large amount of money one time would not work; a plan should be established.

Councilmember Daysog stated use of the General Fund reserve should be considered.

Mayor Johnson and Councilmember deHaan concurred with Councilmember Daysog.

Mayor Johnson stated the City is actually losing money and should be spending the money [on infrastructure] if money is sitting in the General Fund reserve while a huge debt is being incurred; there needs to be a plan to ensure the City does not end up in the same situation in 10 years.

Councilmember Daysog stated the General Fund reserve is at the current level because money was borrowed from infrastructure maintenance.

ORAL COMMUNICATIONS, NON-AGENDA

(05-___) Robb Ratto, PSBA, stated City staff is handling the budget situation excellently; PSBA would be happy to identify resources to help the City purchase in Alameda; that he would enlist other business associations to partner with the City to ensure the City purchases as much as possible in Alameda; thanked Council for showing the courage and persistence to proceed with the Theatre project.

COUNCIL COMMUNICATIONS

(05-___) Councilmember deHaan stated Council approved going forward with the purchase of a vehicle tonight [paragraph no. 05-___]; there is not a Ford dealership in Alameda, encouraged staff to consider Chevrolet.

The Acting City Manager stated the Animal Control vehicle could be a Ford or equivalent.

(05-___) Councilmember deHaan stated at one point, CalTrans was going to upgrade the lighting in the tube; requested a report on the matter.

(05-___) Councilmember deHaan thanked staff for staying for the budget discussion.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the regular meeting at 12:19 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

June 2, 2005

Honorable Mayor and Councilmembers:

This is to certify that the claims listed on the check register and shown below have been approved by the proper officials and, in my opinion, represent fair and just charges against the City in accordance with their respective amounts as indicated thereon.

<u>Check Numbers</u>	<u>Amount</u>
136520 - 137196	2,915,292.50
EFT 117	114,454.07

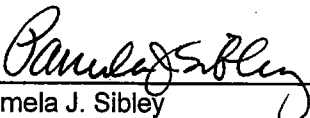
Void Checks:

136335	(1,003.75)
136597	(90.62)
127477	(705.00)
81097	(1,102.50)
83371	(56.00)
83513	(30.00)
87241	(48.46)
84603	(25.00)
87497	(982.13)
136435	(8,125.02)

GRAND TOTAL

3,017,578.09

Respectfully submitted,



Pamela J. Sibley

Council Warrants 06/07/2005

BILLS #4-B
06/07/05

CITY OF ALAMEDA

MEMORANDUM

Date: June 2, 2005

To: Honorable Mayor
and Councilmembers

From: William Norton
Acting City Manager

RE: Recommendation to Authorize the Acting City Manager to execute a temporary agreement with Alameda County for the Exclusive Provision of Ambulance Services by the City of Alameda Fire Department to the City of Alameda.

BACKGROUND

In 1982, an Alameda County advisory measure asked voters whether the Board of Supervisors should form a paramedic service area (presently called an Emergency Medical Services (EMS) district) to improve trauma care and levy a benefits assessment on parcels. The measure was approved by voters and the County and various cities proceeded to implement the benefits assessment. The City of Alameda did not implement the assessment.

In 1984, the City of Alameda began providing basic life support emergency ambulance service to its residents.

In 1996, Prop. 218 went into effect requiring the EMS benefit assessments to be restructured as a special tax and submitted to voters for approval. The Alameda City Council determined that Alameda would not join the County EMS District. In addition, the City Council decided not to submit to the voters an EMS benefit assessment to support the provision of the City's emergency ambulance service. Currently, the City of Alameda is the only city in the county that does not have a EMS benefit assessment in place.

In 1997, an agreement between Alameda County and the City of Alameda obligated the City to pay into the County EMS District annually an amount equal to the assessment otherwise due from members of the District calculated as follows: number of benefit units within the City of Alameda multiplied by the annual County assessment fee.

The California Health and Safety Code sections 1797.224 and 1797.85 allows the local Emergency Medical Services (EMS) agency to create exclusive operating areas to

restrict operations to one provider of emergency ambulance services and advanced life support services.

Pursuant to Division 2.5 of the California Health and Safety Code, Section 1797.200, the State has also designated the County of Alameda to be the local EMS Agency for the City of Alameda and to develop a written agreement for ambulance services and participation in the advanced life support program in Alameda County, pursuant to Health and Safety Code Sections 1797.178 and 1797.201.

Furthermore, Title 22 of the California Code of Regulations Section 100168, Division 9, Chapter 4, Article 6, requires Paramedic Service Providers (City of Alameda) to have a written agreement with the local County EMS Agency to provide advanced life support.

On October 1, 1999, the City entered into a five-year agreement with the Alameda County EMS agency for exclusive rights to provide emergency ambulance services and advanced life support services. This agreement remained in effect until September 30, 2004.

Because the City continues to provide advanced life support and emergency ambulance services to its citizens, a new agreement with the County EMS agency is necessary.

DISCUSSION/ANALYSIS

Currently there are four cities in Alameda County authorized by County EMS to provide exclusive ambulance services through their fire departments. They are: Alameda, Berkeley, Piedmont, and Albany. Contracts with Berkeley, Piedmont and Albany were negotiated during the years 2000– 2001, and these contracts will expire October 31, 2005.

Alameda County EMS has agreed to negotiate with the four cities for a new contract beginning October 1, 2005. During the interim period, however, the County EMS agency is requiring an interim agreement with the City of Alameda in order to comply with State Title 22. This interim agreement would be in place through October 31, 2005.

Because the City of Alameda is not a member of the EMS District the City is assessed the amount of \$630,000. During the last agreement, Alameda was assessed \$630,000 per year; however, \$530,000 a year was reimbursed to Alameda to assist with our costs for transition from basic life support to advanced life support services. Our net cost under the agreement was \$100,000 per year. The transition to advanced life support was completed under the former agreement; hence, future reimbursements should not be expected.

For the interim agreement being requested, the County EMS agency has assessed a fee of \$315,000. This is based on a quarterly fee of \$157,500 x two quarters. (\$157,500 x 4 = \$630,000, which was our past annual assessment before the \$530,000 reimbursement). This assessment will cover the period January 2005 through June

2005. No fees are assessed for the period October 1, 2004 – December 31, 2004.
(Note: For FY 05/06, the new City of Alameda assessment will vary and will be based on the number of benefit units multiplied by the County approved assessment rate per benefit unit. There is funding for a \$450,000 assessment obligation in the proposed FY 05/06 budget).

The Interim Agreement has been approved by the City Attorney and is on file in the City Clerk's Office.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

Not applicable.

FINANCIAL IMPACT

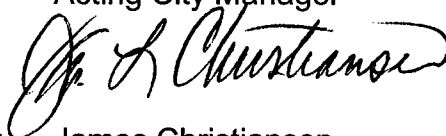
In the FY04/05 budget period, there will be a \$315,000 assessment to the City from the County EMS agency. There are funds currently available in the Fire Department budget to pay the assessment.

RECOMMENDATION

It is recommended that Council authorize the Acting City Manager to execute a temporary agreement with Alameda County for the exclusive provision of ambulance services by the City of Alameda Fire Department to the City of Alameda while a new long-term agreement is being negotiated.

Respectfully submitted,

William Norton
Acting City Manager

A handwritten signature in black ink, appearing to read "J. Christiansen", written over the printed name of James Christiansen.

By: James Christiansen
Fire Chief

Attachment

CITY OF ALAMEDA AMBULANCE AND PARAMEDIC PROVIDER AGREEMENT

This Advance Life Support Ambulance and Paramedic Provider Agreement, (AGREEMENT), entered into this _____ by and between the City of Alameda, ("CITY") and the County of Alameda, ("COUNTY"), herein after referred to as "PARTIES". The term of this AGREEMENT shall be for the period of April 20, 2005 through October 31, 2005.

RECITALS OF AUTHORITY

Whereas, Division 2.5 of the Health and Safety Code sections 1797.224 and 1797.85 allows the local EMS Agency to create Exclusive Operating Areas to restrict operations to one or more providers of emergency ambulance services and Advanced Life Support Services in the development of a local plan through a competitive bid process or without a competitive bid process if the area has been served in the same scope and manner without interruption since January 1, 1981; and

Whereas, CITY having provided or contracted for emergency medical services within its boundaries in the same scope and manner and without interruption since January 1, 1981, in accordance with section 1797.201 of the California health and Safety Code; and

Whereas, pursuant to Division 2.5 of the Health and Safety Code, Section 1797.200 the State had designated the County of Alameda to be the local EMS AGENCY and to develop a written agreement with a qualified Paramedic Service Provider that provides emergency ground ambulance and participates in the Advanced Life Support program in Alameda County pursuant to Health and Safety Code Sections 1797.178 and 1797.201; and

Whereas, Title 22 California Code of Regulations Section 100168, Division 9, Chapter 4, Article 6, requires Paramedic Service Providers to have a written agreement with the local COUNTY EMS Agency to provide advanced life support; NOW; THEREFORE, THE PARTIES AGREE AS FOLLOWS:

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1. DEFINITIONS

- 1.1 Alameda County Emergency Medical Services Agency (ACEMSA) – The Local EMS Agency (LEMSA) as defined in California Health and Safety Code Division 2.5 Section 1797.94
- 1.2 Acute Care Facility – A facility licensed by the State Department of Health Services as a general acute care hospital.
- 1.3 Advanced Life Support Ambulance (ALS Ambulance) – A ground ambulance that provides transport of the sick and injured and is staffed and equipped to provide advance life support consistent with the California Health and Safety Code.
- 1.4 Advanced Life Support Inter-facility Transfer – The transport of a patient from a Facility requiring ALS Ground Ambulance Services.
- 1.5 COUNTY Policies, Procedures and Protocols – All policy, procedure and protocol documents developed through the process describe in COUNTY policies
- 1.6 ALS Ground Ambulance Services – The provision of advanced life support services by an authorized ALS Provider pursuant to an Ambulance Provider Agreement consistent with the California Health and Safety Code, Division 2.5 Section 1797.52 and COUNTY policies and procedures.
- 1.7 Ambulance Response Zone – A geographic area, the boundaries of which have been determined by the Alameda County Board of Supervisors to assure strategic placement of ambulances and effective ambulance response to Medical Emergencies, which may include one or more exclusive operating areas. These zones are set forth in Exhibit A.
- 1.8 Arrive Destination, On Scene Hospital (OSH) – The time that an Emergency Ground Ambulance arrives at an approved receiving facility (or location) or at the point where it is to rendezvous with another ambulance.

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- 1.9 At Scene, On Scene (OS) - For the purposes of measuring the CITY'S Response Time compliance in this AGREEMENT, At Scene, On Scene shall be the time the Emergency Ground Ambulance or a First Responder ALS Unit or a Paramedic Supervisor comes to a stop at the address/site to which it has been dispatched by an Authorized Dispatch Center. In the case of significantly encumbered/restricted access to the patient, At Scene, On Scene shall be the time the ALS Ambulance or a First Responder ALS Unit or Paramedic Supervisor arrives at the restricted access point, e.g. staging area, closed gated community, or rendezvous point to be escorted to the patient by another individual.
- 1.10 Authorized ALS Ambulance Provider – An ambulance provider that is authorized to provide ALS ambulance services within ALAMEDA County pursuant to an ambulance provider agreement with the COUNTY.
- 1.11 Authorized EMS Call Center (Call Center) – A call receipt center approved by the local EMS Agency to request the services the Emergency Ground Ambulances of the ambulance service provider under contract to provide Emergency Ground Ambulance Services.
- 1.12 Authorized EMS Dispatch Center – A dispatch center approved by ACEMSA to dispatch emergency medical units.
- 1.13 Available on Radio (AOR) – The time that an Emergency Ground ambulance is available on radio/pager to respond as directed by the Authorized EMS Dispatch Center.
- 1.14 Back - Up – An ambulance and crew requested to assist other agencies on an active EMS incident.
- 1.15 Basic Life Support Ambulance (BLS Ambulance) – An ambulance staffed and equipped to provide basic life support in full compliance with the California Health and

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Safety Code, Division 2.5, Section 1797.60, all regulations of the State of California, and the Alameda County Policies, Procedures and Protocols.

- 1.16 Call Received, Time of Call (TOC) – The time that the call for services has been received at the CITY’S primary Public Safety Answering Point (PSAP) if CITY is dispatching EMS Resources or the time of dispatch from any other Authorized EMS Dispatch Center.
- 1.17 Emergency Ground Ambulance – An ambulance staffed and equipped in compliance and as set forth in the Agreement.
- 1.18 Emergency Ground Ambulance Services – All ambulance services performed at the request of a 9-1-1- Authorized Dispatch Center or determined to be either a Code Two or Code Three level response by an Authorized EMS Call Center.
- 1.19 Emergency Medical Dispatch (EMD) – A term to describe an organized system of call triage utilizing Medical Priority Services protocols.
- 1.20 Emergency Medical Personnel – All public safety first responders, Emergency Medical Dispatchers, EMT-1s and PARAMEDICS functioning within the emergency medical services system.
- 1.21 EMS Resource – The term used to refer to either an ALS ambulance, a First Responder ALS Unit, or a Paramedic Supervisor.
- 1.22 PARAMEDIC or Emergency Medical Technician – Paramedic – means an individual whose scope of practice to provide advanced life support according to standards prescribed by Division 2.5 of the Health and Safety Code and who has a valid license issued pursuant to said division and accreditation as required by COUNTY.
- 1.23 En-route (ER) – The time that a fully staffed EMS Resource has departed in order to respond to a request for Emergency Ground Ambulance Services.

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- 1.24 Estimated Time of Arrival (ETA) - The estimated time that emergency medical services resources will arrive at a specific location.
- 1.25 Exclusive Operating Area (EOA) - An EMS area as defined in California Health and Safety Code Division 2.5 Section 1797.85.
- 1.26 First Responder ALS Unit – A unit staffed and equipped with a minimum of one California State licensed and Alameda County accredited paramedic capable of providing ALS at scenes of medical emergencies.
- 1.27 From Scene, En-route Hospital (ERH) The time that the ambulance departs from the scene en-route to an appropriate receiving location or rendezvous point.
- 1.28 Map Grid, Quadrant – The designation of an area on a map which is mutually agreeable between the COUNTY and CITY and which has been given an alphanumeric designation.
- 1.29 Medical Emergency – The term used to denote a condition or situation in which an individual has a need for immediate medical attention, or where the potential for such need is perceived by public safety personnel or Emergency Medical Personnel at the scene of an emergency or trained personnel at an Authorized EMS Dispatch or Call Center.
- 1.30 Metro/Urban – The term used to denote a geographic service area with a population density of greater than 100 persons per square mile.
- 1.31 MICN or Mobile Intensive Care Nurse – means a registered nurse who is functioning pursuant to Section 2725 of the Business and Professions Code and who has been authorized by the medical director of the COUNTY to issue instructions to pre-hospital emergency medical care personnel within an EMS system according to standardized procedures developed by the COUNTY consistent with statewide guidelines established by the Emergency Medical Services Authority of the State of California.

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- 1.32 Move-Up – The term used to denote an ALS Ambulance that has been moved to an area to provide mutual aid coverage.
- 1.33 Multi-Casualty Incident (MCI) Plan – The procedure followed per COUNTY policy in the event that an MCI is declared.
- 1.34 Non-Medical Emergency – The term used to denote a condition or situation in which an individual does not have a need for immediate medical attention, or where the potential for such need is not perceived by Emergency Medical Personnel at the scene of an emergency or dispatch personnel at an Authorized EMS Dispatch Center.
- 1.35 Paramedic Supervisor – A paramedic qualified by COUNTY to practice as a single medic with responsibility for field supervision of EMS.
- 1.36 Posting/Post Moves – The term used to denote an ALS Ambulance that has been strategically placed/located, or requested to move to such a location so to meet response time requirements.
- 1.37 Record of Calls – As required in Title 13 of the California Code of Regulations, Chapter 5, Article 1, Section 1100.7: Every ambulance service shall maintain a current record of each emergency call and shall retain such record for minimum of three years and contain the following information: (a) Date and time of emergency call, location where service is needed, and identity of person receiving the call at the Authorized EMS Dispatch Center for ambulance service; (b) Identity of person or, when applicable, the name of the COUNTY requesting an ambulance; (c) Identification of each ambulance and personnel dispatched, and record of siren and red light use; (d) Explanation of any failure to dispatch an ambulance as requested; (e) TOC, DISP, ER, OS, ERH, OSH, and AOR. (f) Destination of patient and time of arrival at destination; (g) Name or other identification of patient (if name or other identification is available) or description of item requiring emergency transportation.

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1.38 Response Codes – The dispatch term which denotes the level of priority for units responding to the scene as defined herein:

1.38.1 Code One – Routine or scheduled transportation of Non-Medical Emergency patients.

1.38.2 Code Two – A non-life threatening Medical Emergency requiring immediate response. It is understood that this definition does not apply to life threatening Inter-facility Transfers from Acute Care facilities that are Code Two.

1.38.3 Code Three – A Medical Emergency requiring immediate response with red light and siren.

1.39 Response Time – The time measured from the Time of Call until On Scene.

1.40 Standby – The term used to denote that an EMS vehicle is staged near an activity in which it is presumed there is a high likelihood that a Medical Emergency will occur.

1.41 Suburban/Rural – The term used to denote a geographic service area with a population density between 7 and 100 persons per square mile.

1.42 Unit Hour Utilization – The term used to denote the mathematical relationship between the number of ambulance transports and the number of hours those units are available during a defined time period.

1.43 Wilderness The term used to denote a geographic service area with a population density of less than 7 persons per square mile.

2. DESCRIPTION OF EXCLUSIVE AREA TO BE SERVED – DEFINITION OF EXCLUSIVITY – ALS GROUND AMBULANCE SERVICES AUTHORIZATION

2.1 By execution of this AGREEMENT, COUNTY hereby establishes, pursuant to Health and Safety Code 1797.224, an Exclusive Operating Area (EOA) for the provision of all Emergency Ground Ambulance Service within the area shown on Exhibit A to this AGREEMENT and generally described as the incorporated limits of the City of

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Alameda. Exceptions to the Exclusivity granted under this AGREEMENT are as follows:

Declared Local, State, or Federal disasters that affect the Exclusive Operating Area,
Special Events Standbys, and inter-facility transports.

2.2 The creation of this EOA means that the COUNTY shall not enter into an ambulance provider agreement with any other firm, COUNTY, city, company or governmental body, other than the federal government, to provide Emergency Ground Ambulance Service or ALS Ground Ambulance Service within the area described herein during the period of this AGREEMENT except as described herein. This AGREEMENT shall not preclude the use of air ambulance resources within the Exclusive Operating Area of CITY as allowed pursuant to COUNTY Aircraft Policies.

2.3 CITY has the sole responsibility to provide ambulance services as described in 2.1 including the occasional and necessary use of other ALS Ambulance providers authorized to provide ALS ambulance services within Alameda County, to ensure the most expedient response to Medical Emergencies. CITY shall be responsible to specify the parameters by which other Authorized ALS Ambulance Providers shall be utilized to respond to Medical Emergencies within the Service Area.

2.4 At the CITY's request, the COUNTY shall establish an EOA for the CITY to exclusively perform non-emergency ambulance transport within the incorporated limits of the City of Alameda after the CITY has provided an ALS service pursuant to this Agreement and can demonstrate that the City's allowable expenses exceed its revenue. Should the CITY decide to contract this service out, COUNTY must approve the sub-contractor.

3. PERFORMANCE STANDARDS/EXCEPTIONS/DISPUTES

In consideration for being granted this exclusive authorization to provide Emergency Ground Ambulance Services, the CITY agrees so the following:

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- 3.1.1 The CITY shall adhere to all requirements of the Alameda County EMS Policies, Procedures and Protocols, including any and all amendments thereto, if any, whether enacted before or during the term of this AGREEMENT and any extensions. All COUNTY policies, procedures and protocols shall be reasonable and consistent with prevailing standards of practice in the regulation and performance of pre-hospital emergency medical services, and will not in and of themselves create a negative impact for the CITY without prior discussion and resolution.
 - 3.1.2 The CITY shall comply with all State, Local and Federal laws.
 - 3.1.3 The CITY shall comply with the assessment fee payment provisions as described in Section 12.1.
 - 3.1.4 If any law, policy, procedure or protocol adds, or has the capability to add, additional cost to the CITY, COUNTY and CITY will mutually reconcile the effects of the additional costs.
- 3.2 The CITY shall utilize ALS Ambulance to provide services under this AGREEMENT on a twenty four (24) hour per day basis in response to all Code Two and Code Three calls requested by an Authorized EMS Call Center, except as allowed within this AGREEMENT
- 3.3 The CITY shall utilize the County “Non-Emergency 5150 Transport” to provide services under this agreement to Code 2 Mental Health Transports, NON-MEDICAL EMERGENCY request screened through the use of COUNTY approved EMS protocols, and specific requests for BLS Ambulance by on-scene ALS personnel.
- 3.4 The CITY shall record or cause to be recorded the Map Grid; and the times at each of the stages of a response as defined herein, (TOC, DISP, ER, OS, ERH, OSH, AOR) for each

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and every request for ALS Ground Ambulance Services and Emergency Ground Ambulance Services.

3.5 The CITY shall assure that EMS Resources are on the scene of all Code Three and Code Two calls 90 percent of the time as measured each month including those calls that are referred to mutual aid providers according to the following performance standards:

3.5.1 Code Three responses: EMS Resource within ten (10) minutes zero (0) seconds of receipt of call by CITY's dispatch center, ALS Ambulance within twelve (12) minutes zero (0) seconds of receipt of call by CITY's dispatch center. If dispatch services are not provided by CITY, then the above times shall be eight (8) minutes zero (0) seconds and ten (10) minutes zero (0) seconds respectively from the time CITY receives the request from an Authorized EMS Dispatch Center.

3.5.2 Code Two response: EMS Resource within fifteen (15) minutes zero (0) seconds of receipt of call by CITY's dispatch center, ALS Ambulance within twenty (20) minutes zero (0) seconds of receipt of call by CITY's dispatch center. If dispatch services are not provided by CITY, then the above times shall be thirteen (13) minutes zero (0) seconds and eighteen (18) minutes zero (0) seconds respectively from the time CITY receives the request from an Authorized EMS Dispatch Center.

3.5.3 Response time shall be measured from time Call Received, (TOC) until time At Scene (OS).

3.6 If a response zone changes due to a material change in population, the COUNTY and CITY will meet and resolve effects to the system.

3.7 In the event any single Code 3 emergency response exceeds the specified response time by ten (10) minutes zero (0) seconds or more, and the extended response times cannot be

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justified by acceptable mitigating circumstances, ACEMSD shall assess the following penalties:

3.7.1 Greater than 2 and less than 6 in any calendar month:

\$500/incident for each additional late response

3.7.2 Greater than 5 and less than 6 in any calendar month:

\$1,000/incident for each additional late response.

3.7.3 Greater than 7 in any calendar month

\$1,500/incident for each additional late response

3.7.4 Should CITY exceed 8 incidents per month in two consecutive months,

COUNTY has the option to a) assess a fine of \$25,000 or b) find the CITY in major breach of contract.

3.8 The CITY shall Backup other areas within the County of Alameda as requested by an Authorized EMS Call Center or Dispatch Center as long as at least one (1) ALS Ambulance remains available within CITY.

3.9 During any period of time that there is a Code Two or Code Three ambulance request and CITY has no ALS Ambulance available to respond or if an unauthorized BLS ambulance is utilized for a Code Two or Code Three call, CITY shall submit to the COUNTY an Unusual Occurrence Report, which shall at minimum include; how long the services were not available, the status of all CITY's ALS Ambulances during this time period, the number of calls that could not be responded to within the allotted time, and the elapsed delay of response time for each missed call. If an unauthorized BLS ambulance is utilized, the report shall also contain the nature of the Medical Emergency as determined by the Authorized Dispatch Center and submission of a copy of the field patient care record.

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- 3.10 In each instance of an ALS Ambulance vehicle failure on a Medical Emergency call resulting in the inability to continue the response to or transport of the patient, CITY shall submit a report which at a minimum shall include: how long it took for another ALS Ambulance to respond to the same call; which ALS Ambulance service provider responded; the reason or suspected reason(s) for vehicle failure and/or malfunction, and actions CITY has taken to prevent similar failures.
- 3.11 An ALS Ambulance may be used for Code-One ambulance requests. It is the responsibility of the CITY to ensure that adequate numbers of ALS units are available for code two and code three responses prior to dispatching an ALS unit on a code one response.
- 3.12 A minimum cut-off level shall be included in CITY's deployment plan to be approved by COUNTY to ensure available resources to respond to system 9-1-1 requests for services. During any calendar month CITY shall deploy no less than ninety (90%) of the regular scheduled unit hours specified in the approved deployment plan. Non-scheduled unit hours shall not be calculated as part of the aggregated hours.
- 3.13 The CITY shall require that CITY's Dispatch Center ensure that personnel and equipment are dispatched immediately for Medical Emergency requests outside and near response zone boundaries and shall immediately contact the Authorized EMS Dispatch Center for the provider which normally services that area and continue the response if requested to do so. An Unusual Occurrence Report should be forwarded to the COUNTY when there has been a dispatch error. The intent of this Section is to ensure there is no delayed response due to boundary line disputes, and is not a replacement for a Mutual Aid request.

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- 3.14 The CITY shall designate a PARAMEDIC (CITY's selection criteria to be approved by the COUNTY) to act a Training Officer who shall oversee the required training and orientation of all new EMT-1/P's employed by the CITY. The Training Officer shall submit a written evaluation of each new EMT-1 and PARAMEDIC verifying that orientation requirements have been completed. These requirements shall include, the MCI Plan all local policies and procedures, and any additional training required by the COUNTY. Also, the Training Office shall regularly attend scheduled training meetings as required by the COUNTY.
- 3.15 The CITY shall designate a PARAMEDIC or RN (CITY's selection criteria to be approved by the COUNTY), to function as a Liaison between the CITY and the COUNTY to perform internal quality assurance per COUNTY policies, assist in the investigation of unusual QA/QI occurrences as identified by the COUNTY, and regularly attend scheduled Liaison meetings as required by the COUNTY.
- 3.16 CITY shall submit to COUNTY no later than ninety days following commencement of this Agreement a Quality Assurance plan subject to COUNTY approval that establishes benchmarks for evaluation of clinical performance and measuring customer and patient satisfaction.
- 3.17 The CITY shall have a written Deployment Plan and enter into mutual aid agreements with providers in adjacent service areas. Any such plan or agreement shall be sent to the COUNTY for approval no less than forty-five days prior to its adoption. Failure to secure or abide by these agreements shall constitute a major breach of contract.
- 3.18 The CITY shall utilize a Deployment Committee consisting of management and field personnel to review and develop deployment and system status plans. COUNTY shall review CITY's Deployment Plan no less than every six (6) months or as deemed necessary by COUNTY.

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3.19 The CITY shall post at each station all EMS notices from the COUNTY directed to field personnel. In addition, the CITY agrees to have an updated COUNTY EMS Policies and Procedures Manual at each station accessible to all personnel.

4. COMMUNICATION/DISPATCH STANDARDS

4.1 The CITY shall maintain or contract with an Authorized EMS Dispatch Center authorized to provide dispatch services for Medical Emergency requests within the geographical area for the dispatch of ambulances 24 hours a day during the term of this AGREEMENT.

4.2 CITY shall obtain, install, and maintain in CITY'S ambulance all such radio and telecommunications equipment as determined through COUNTY policy to be necessary for the effective and efficient dispatch of EMS Resources. Subject to applicable laws and the permission of the relevant agencies, said equipment shall allow effective and efficient communication with Public Safety Agencies.

4.3 The CITY shall obtain, install, and maintain in CITY'S EMS Resources all such radio equipment as is deemed by COUNTY policy to be appropriate for transmission of voice communications for medical direction by base hospitals designated by the COUNTY.

4.4 The CITY shall equip each EMS Resource with Alameda County 800 MHz portable and MHz radios.

4.5 The CITY shall establish policies, which ensure that, upon receipt of a private emergency request for ambulance services, pertinent information including callback number, location, and nature of the incident is ascertained and immediately transferred to the Authorized EMS Dispatch Center.

4.6 The CITY shall provide quarterly, monthly EMS Dispatch data (as outlined in section 8.1 of the AGREEMENT.) Data shall be provided via computer disk or download by the 15th of each following quarter to the COUNTY. Failure to provide this data in this time frame will result in a fine of \$50.00 payable by CITY to COUNTY each day until the data is received by

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COUNTY beginning on the 18th day of that month. This fine will be payable to the COUNTY on a quarterly basis.

4.7 If COUNTY requires new or additional equipment, the COUNTY and CITY will meet to discuss the financial impact of said new system.

5. EQUIPMENT & SUPPLY STANDARDS

5.1 The CITY shall ensure that each ALS Ambulance carries equipment and supplies pursuant to COUNTY policy. Vehicles, equipment, and supplies shall be maintained in a safe mechanical condition at all times.

5.2 All ambulance vehicles shall, as minimum, meet all standards of Title 13, California Code of Regulations. CITY shall have and maintain the required inventory on each ambulance used for patient transport as specified by COUNTY policy.

5.3 ALS Emergency Ground Ambulances will be removed by CITY from primary service under this AGREEMENT at 175,00 miles, and will be removed completely from services under this AGREEMENT at 200,000 miles.

5.4 The COUNTY shall approve the paint scheme and lettering of each ALS ambulance covered by this AGREEMENT. Such approval shall not be unreasonably withheld. A vehicle identification number shall be prominently displayed.

5.5 The COUNTY may at any time, without prior notice, inspect CITY'S ambulance in order to verify compliance with this AGREEMENT. An inspection may be postponed if it is shown that the inspection would unduly delay an ambulance from responding to an ambulance request. A memorandum of the inspection specifying any deficiencies, date of inspection, ambulance number, and names of participating crew shall be provided to the CITY. CITY must show proof of correction for any deficiencies noted in said memorandum of inspection as specified by the COUNTY. A deficient ambulance may be immediately removed from service if, in the opinion of the COUNTY, the deficiencies are a danger to the health and

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safety of the public or if the deficiencies in a previously issued memorandum of inspection have not been corrected in the time specified. COUTNY agrees to place any unit that has been removed from service back in service immediately following the documented correction of the defined deficiency.

5.6 The CITY shall develop and maintain a fleet management plan, maintain a record of the preventative maintenance, repairs and strategic replacement of equipment and vehicles and shall make such plan and records available to the COUNTY upon request.

5.7 Each on-duty EMT-1 or PARAMEDIC shall be provided with a helmet, gloves, protective clothing coat, eye protection and other safety devices as deemed necessary. All such items shall meet exceed CAL-OSHA standards.

6. PERSONNEL STANDARDS

6.1 When responding to a Medical Emergency call, and Emergency Ground Ambulance shall be staffed in accordance with COUNTY policy.

6.2 CITY shall ensure that all employees providing patient care comply with training requirements as established by the State of California and the COUNTY for their level of certification.

6.3 The CITY shall not permit paramedics with limited experience from serving as the single paramedic on a response unit, The CITY and COUNTY shall establish a plan that uses experience and/or competency based criteria to address this issue, which will coincide with COUNTY'S countywide plan to insure minimum experience levels.

6.4 The CITY shall have or contact for CISD (Critical Incident Stress Debriefing) Program based on the "Mitchell Model" available to EMS providers at all times.

6.5 CITY shall have a policy, which prohibits CITY'S employees from performing any services as contemplated herein while under the influence of any alcoholic beverage, illegal drug, or narcotic. In addition, said policy shall prohibit CITY'S employees, from performing

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such services under the influence of any other substance, including prescription or non-prescription medication, which impairs their physical or mental performance.

6.6 CITY shall provide the COUNTY with CITY'S current policies upon request which address staffing and shift scheduling, avoidance of crew fatigue, crew quarters, conduct at a scene, conduct in relation to first responder personnel, conduct during patient care management, contact with base hospital (s), use of safety apparel, identification, driver training and Department orientation.

6.7 CITY shall ensure that all personnel wear clean and appropriate uniforms.

6.8 CITY shall provide to all on-duty personnel an identification card including recent picture that bares the employee's first name-last initial, certification or title and identification number specific to that employee. Each employee shall carry an identification card.

6.9 CITY shall have in place policies which require that personnel follow all COUNTY EMS Policies, Procedures and Protocols.

6.10 CITY shall ensure that patient care records are completed by CITY's personnel and left at the receiving facility within one (1) hour after arrival for each patient transported within 90% compliance measured monthly. A completed Patient Care Record (PCR) shall be identified as PCR having all essential fields completed, as established by COUNTY. The COUNTY agrees that a formalized and CITY-approved tracking process be imposed and implemented to all receiving facilities. The COUNTY will penalize CITY \$200 for each incident in which a patient care record is not left at the receiving facility within one (1) hour after arriving below the ninety (90) percent level.

6.11 CITY shall have operational policies in place which require reporting On Scene as specified in this AGREEMENT.

7. AMBULANCE STATIONS/CREW QUARTERS

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7.1 CITY agrees to maintain a crew quarters at any location where EMS Resources are normally scheduled to work shifts exceeding twelve (12) hours.

7.2 Crew quarters, at locations where EMS Resources are normally scheduled to work shifts exceeding twelve (12) hours, shall include, shower, toilet, kitchen, day room, sleeping facilities, and shall be maintained in a safe and clean condition consistent with the CITY's Collective Bargaining Agreement.

7.3 Stations shall include an EMS bulletin board.

7.4 CITY shall provide COUNTY a list of crew quarters as part of the deployment plan.

8. RECORDS AND REPORTS

8.1 On a quarterly basis CITY shall complete, maintain, and provide to COUNTY the following monthly records and/or reports:

8.1.1 Every patient care record in a format approved by the County

8.1.2 Response time compliance reports

8.1.3 Public education and community service reports

8.1.4 Number of 9-1-1 Code -1, Code-2 and Code-3 responses and transports

8.1.5 Critical EMS equipment failure reports

8.1.6 Trended EMS work related injury reports. There will be no employee identifying information

8.1.7 Dispatch reports

8.1.8 EMS Equipment and vehicle maintenance reports

8.1.9 Patient billing and revenue reports

8.1.10 CITY shall notify COUNTY in writing upon receipt of a public or patient complaint regarding EMS services. Such notification shall be in writing within seven (7) days of receipt. CITY shall forward copies of all subsequent correspondence of said complaint to COUNTY within ten (10) days of discovery or production.

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8.1.11 The CITY shall provide to COUNTY additions and deletions to their personnel roster as changes occur.

8.2 CITY shall complete financial records in an auditable form and content according to generally accepted accounting practices. Financial records shall include all supporting schedules pertinent to performance of this AGREEMENT and shall be made available to the COUNTY for inspection at CITY's site upon request.

8.3 All records maintained pursuant to this AGREEMENT shall be available for inspections, audit, or examination by the COUNTY or by their designated representatives, and shall be preserved by CITY for at least three (3) years from the termination of this AGREEMENT. CITY's records shall not be made available to parties or persons outside the COUNTY without CITY's prior written consent, unless disclosure is required by a subpoena or other legal order compelling disclosure of otherwise permissible by law.

8.4 Upon written request of the COUNTY, CITY shall prepare and submit written reports on any incident arising out of services provided under this AGREEMENT. COUNTY recognizes that any report generated pursuant to this paragraph is confidential in nature and shall not be released, duplicated, or made public without the written permission of CITY or upon subpoena or other legal order compelling disclosure.

8.5 CITY shall provide additional information and reports as the COUNTY may reasonably require from time to time to monitor the performance of the CITY under this AGREEMENT. CITY shall notify COUNTY in writing of all CITY EMS vehicle accidents with injuries and injuries to patients and/or the public associated with the performance of this Agreement within ten (10) working days. Verbal notification to ALCO-CMED shall be within twenty-four (24) hours of the event.

9. INSURANCE AND INDEMNIFICATION

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9.1 Without limiting the COUNTY's right to obtain indemnification from the CITY or any third parties, subject to the CITY's right to seek subrogation for indemnification paid to the COUNTY under this AGREEMENT and to the extent such indemnification is paid pursuant to this paragraph, the CITY, at its sole expense, shall maintain or cause to be maintained in full force and effects the following insurance policies throughout the term of this AGREEMENT.

9.1.1 For the CITY's local operation in Alameda County – combined public liability, general liability, automobile liability, bodily injury and property damage liability insurance in amount of not less than five million dollars (\$5,000,000) in coverage for each occurrence;

9.1.2 Medical liability insurance in an amount of not less than one million dollars (\$1,000,000) in coverage for any injury or death arising out of any one (1) occurrence; and

9.1.3 Worker's compensation insurance providing full statutory coverage, in accordance with the California Labor Code, for any and all of the CITY's personnel who will be assigned to the performance of this AGREEMENT by the CITY in accordance with the California Labor Code.

9.2 Such insurance policies shall name the County, its officers, Medical Director, agents and employees, and the COUNTY, its officers, agents and employees, as additional insured (except for worker's compensation insurance), but only in so far as the operations under the Agreement are concerned. Such coverage for additional insured shall apply as primary insurance and any other insurance, or self-insurance, maintained by the County, its officer, agents, and employees, the COUNTY, its officers, agents and employees, shall be excess only and not contributing with insurance provided under the CITY's policies herein. This insurance shall not be canceled or changed to restrict coverage without a minimum of thirty-

CITY OF ALAMEDA AMBULANCE AND PARAMEDIC PROVIDER AGREEMENT

(30) calendar day's written notice given to the County. Said insurance coverage shall coverage shall have an annual aggregate limitation of not less than \$3,000,000 and shall provide for full coverage, and if such insurance policies have a deductible, such deductible shall be in an amount no to exceed ten thousand dollars (\$10,000) per occurrence. CITY shall provide certificates of insurance on the foregoing policies as required herein, to the COUNTY annually, stating that such insurance coverages have been obtained and are in full force;

9.3 CITY shall defend, indemnify, save and hold harmless the COUNTY and it's officers, Medical Director, employees and agents, from any and all claims, damages, losses, judgments, liabilities expenses, and other costs including litigation costs and attorney's fee arising out of, resulting from, or in connection with the performance of this AGREEMENT by CITY or CITY agents, officers, or employees save and except the sole negligence or willful misconduct of COUNTY. CITY's obligation to defend, indemnify, and hold the COUNTY, its agents, Medical Director, officers, and employees harmless under the provisions of the paragraphs in this section is not limited to or restricted by any requirement in this Agreement for CITY to procure and maintain a policy of insurance.

9.4 CITY shall defend, indemnify and hold harmless the COUNTY, its officers, employees and agents, and each of them, from any claim, action, or proceeding arising as a result of the exclusive rights granted pursuant to this AGREEMENT. COUNTY shall defend, indemnify and hold harmless the CITY, its officers, employees and agents, and each of them, from any claim, action, or proceeding arising as a result of the exclusive rights granted pursuant to this AGREEMENT. The COUNTY shall promptly notify CITY of any such claim, action, or proceeding and shall cooperate fully in the defense of any and all such claims, actions or proceedings.

CITY OF ALAMEDA AMBULANCE AND PARAMEDIC PROVIDER AGREEMENT

9.5 COUNTY agrees to defend, indemnify, save and hold harmless the CITY and its officers, employees and agents, from any and all claims, damages, losses, judgments, liabilities, expenses, and other costs including litigation costs and attorney's fees arising out of, resulting from, or in connection with the performance of the AGREEMENT by COUNTY or COUNTY's agents, officers, or employees save and except the sole negligence or willful misconduct of CITY. COUNTY's obligation to defend, indemnify, and hold the CITY, its agents, Medical Director, officers, and employees harmless under the provisions of the paragraphs in this section is not limited to or restricted by any requirement in this Agreement for COUNTY, to procure and maintain a policy of insurance.

9.6 Without limiting CITY's right to obtain indemnification from the COUNTY or any third parties, subject to the COUNTY's right to seek subrogation for indemnification paid to CITY under this AGREEMENT and to the extent such indemnification is paid pursuant to this paragraph, the COUNTY, at its sole expense, shall maintain or cause to be maintained in full force and effect the following insurance policies throughout the term of the AGREEMENT:

9.6.1 General liability insurance in an amount of not less than one million dollars (\$1,000,000) in coverage for each occurrence and an annual aggregate limitation of not less than \$2,000,000.

9.6.2 Medical liability insurance in an amount of not less than one million dollars (\$1,000,000) in coverage for any injury or death arising out of any one (1) occurrence.

9.6.3 Such insurance policies shall name the CITY, its officers, agents, and employees as additional insured, but only insofar as the operations under the Agreement are concerned.

9.6.4 Such coverage for additional insured, shall apply as primary insurance and any other insurance, or self-insurance, maintained by the CITY, its officers, agents, and

CITY OF ALAMEDA AMBULANCE AND PARAMEDIC PROVIDER AGREEMENT

employees, shall be in excess only and not contributing with insurance provided under the COUNTY's policies herein. This insurance shall not be canceled or changed to restrict coverage without a minimum of thirty-calendar day's written notice given to the CITY. Said insurance coverage shall have an annual aggregate limitation of not less than three million dollars (\$3,000,000) and shall provide full coverage, and if such insurance policies have a deductible, such deductible shall be in an amount not to exceed ten thousand dollars (\$10,000) per occurrence.

9.7 COUNTY shall provide certificates of insurance on the foregoing policies as required herein, to the CITY annually, stating that such insurance coverages have been obtained and are in full force.

10. NON –DISCRIMINATION

10.1 COUNTY and CITY shall abide by all Federal and State non-discrimination laws regarding governmental COUNTY contracts and subcontracts.

11. RESPONSE COMPLIANCE PENALTIES

11.1 For each month in which any one of the requirements in Section 3 is not met, CITY shall meet with the COUNTY, at the COUNTY's request, to develop a strategy to solve this response compliance problem.

11.2 For each calendar month in which CITY has met less than 90% of the response time standards, COUNTY shall assess the CITY the following penalties:

11.2.1 First Occurrence	Letter of deficiency sent
11.2.2 Second Occurrence	\$7,500 fine
11.2.3 Third Occurrence	\$17,500 fine or notice of major breach of contract

11.3 Any monetary fine paid by CITY pursuant to Sections 3.10 excepting section

3.10.4 shall be credited to the above penalties, since it is not the intent of the

CITY OF ALAMEDA AMBULANCE AND PARAMEDIC PROVIDER AGREEMENT

PARTIES to impose duplicative fines for occurrences which violate both this section and Section 3.10

11.4 If in any calendar month, regardless of prior deficiencies, CITY meets less than 88% of the response time standard, COUNTY has the option to: a) assess a fine of \$17,500 or, b) find the CITY in a major breach of contract.

11.5 An occurrence shall be expunged after six (6) consecutive months of compliance. However, financial penalties already assessed are not subject to reversal.

11.6 If it is reported to the COUNTY that any of CITY's employees have willfully and knowingly falsely reported any dispatch time that comprises Response Times, COUNTY shall investigate such allegations and take such action as is deemed appropriate by COUNTY within the limits allowed by the relevant statutes and regulations.

11.7 Exceptions may be granted by the COUNTY on a per call basis by request of the CITY and upon review and investigation by COUNTY. Good cause for exceptions shall be determined by the COUNTY, or as stipulated in this AGREEMENT. The burden of proof that there is good cause for an exception shall rest with CITY. These exceptions include but are not limited to the following:

11.7.1 Changes to Response Codes en-route to the scene, except in those cases in which the response time has been reduced after exceeding the initial response time standard. Should this occur, the call shall be included in the response compliance calculations.

11.7.2 Delays in EMS Resource response or arrival On Scene due to materially incorrect or unavailable information.

11.7.3 The response of a second unit to an incident if the request for additional resources was made within ten (10) minutes of the arrival of the first unit. It is

CITY OF ALAMEDA AMBULANCE AND PARAMEDIC PROVIDER AGREEMENT

assumed that after ten (10) minutes the CITY has had adequate time to re-deploy resources.

11.7.4 There shall be no response time penalties for third and subsequent units dispatched to a single incident or during declared disasters or a State of Emergency affecting the EOA.

11.8 If CITY is unable to respond an ALS Ambulance to a Code Three call when the Authorized Call Receipt Center has requested ALS services, a BLS ambulance may be dispatched as long as an ALS unit has also been dispatched. If a BLS ambulance is dispatched without an ALS unit, there will be a \$500.00 fine for each such occurrence unless waived by the COUNTY.

11.9 All measurements of compliance in this AGREEMENT shall be on a monthly basis reported quarterly. All fines shall be forwarded to the COUNTY within thirty (30) days following the mutual reconciliation and agreement of compliance summary for any charges incurred during the preceding quarter.

12. COMENSATION/FEES/SECURITY BONDS

12.1 CITY is not a member of the Alameda County Emergency Medical Services District. In lieu of membership, CITY agrees to contribute annually an amount equal to the assessment otherwise due from members of the District calculated as follows: Number of Benefits Units within EOA multiplied by the Annual County Assessment

12.2 As compensation for services, labor, equipment, supplies and materials furnished under this Agreement, CITY shall be entitled to charge patients for the services rendered according to the Usual and Customary Rate (UCR) schedule included as Exhibit D. The UCR fee schedule shall be adjusted annually beginning October 1, 2000. The fee schedule will increase by the Consumer Price Index – all consumers (San Francisco, Oakland, San Jose) as published by the Department of Labor for the month of September each year.

CITY OF ALAMEDA AMBULANCE AND PARAMEDIC PROVIDER AGREEMENT

12.3 All bills submitted by CITY to any private party or third party payer for ALS Ground Ambulance Services or Emergency Ground Ambulance Services rendered under this AGREEMENT shall not exceed the rates which have been approved by the COUNTY (Exhibit D).

12.4 This AGREEMENT shall not be deemed to have been made for the express or implied benefit of any person who is not a party hereto.

12.5 In the event an actual or reasonably expected or impending Extraordinary Change (as hereinafter defined), CITY shall have the right to issue a notice of renegotiation of this Agreement. Upon COUNTY's receipt of notice to renegotiate, COUNTY shall also have the right to request renegotiation of any and all fees listed in Exhibit D and shall notify CITY of said request. In such event, CITY and COUNTY shall negotiate in good faith in an attempt to reach Agreement on amended financial and /or operational terms of the Agreement necessary for CITY to satisfy its reasonable financial and operational needs in light of such Extraordinary Changes. In the event the COUNTY and the CITY are unable to reach agreement, CITY may terminate this AGREEMENT upon 180 days written notice without penalty to CITY. For purposes of this section an Extraordinary Change is defined as one or more of the following events:

- a. Changes in payor (s) payment methodologies that will potentially and permanently reduce CITY's total collected revenues for services provided pursuant to this AGREEMENT by at least 10% as compared to the Base Period.
- b. A material change in the law, whether by statute or judicial decision, which results in CITY's rights or abilities to provide paramedic ambulance service that would in turn cause a decrease in the exclusive operating area under the AGREEMENT which decrease would result in at least a 10% decrease in total collected revenues as compared to the Base Period.

CITY OF ALAMEDA AMBULANCE AND PARAMEDIC PROVIDER AGREEMENT

- c. A material change in the COUNTY's proposed Emergency Triage/Non-Emergency Triage system that would result in a least a 10% decrease in total collected revenues as compared to the Base Period.

For purposes of this section, the Base Period shall be the twelve-month period prior to the earlier of CITY's notice to renegotiate or the occurrence of the Extraordinary Change.

13. CONTRACT PERFORMANCE/BREACH/DEFAULT

13.1 This AGREEMENT is an agreement by and between COUNTY and CITY and is not intended to and shall not be construed to create the relationship of COUNTY, servant, employee, partnership, joint venture or association.

13.2 Amendments or modifications to the provisions of this AGREEMENT may be initiated by any party hereto and may only be incorporated into this AGREEMENT upon the mutual consent of all PARTIES and must be in writing. PARTIES agree to negotiate in good faith to make such changes as are mutually deemed to be necessary. In the event COUNTY and CITY are unable to reach such agreement on any amendments or modifications to the provisions of this AGREEMENT within ninety (90) days, the CITY and COUNTY shall jointly refer the matter to mutually agreed-upon third party neutral mediator. The cost of the third-party neutral mediator shall be split evenly between the CITY and COUTN. The mediation proceedings shall be non-binding and shall conclude no later than thirty (30) days after the referral to the mediator.

13.3 The failure of any party hereto to insist upon strict performance of any of the terms, covenants or conditions of this AGREEMENT in any one or more instances shall not be construed as a waiver or relinquishment for the future of any such terms, covenants or conditions, but all of the same shall be and remain in full force and effect.

13.4 Neither COUNTY nor CITY shall assign this AGREEMENT to another party without obtaining the prior written consent of all other parties to this AGREEMENT.

CITY OF ALAMEDA AMBULANCE AND PARAMEDIC PROVIDER AGREEMENT

13.5 All notices pertaining to this AGREEMENT shall be sent via certified mail to the following:

TO COUNTY: EMS Administrator
County of Alameda
1000 San Leandro Blvd., Suite 200
San Leandro, CA 94577

TO CITY:	City of Alameda City Manager 2263 Santa Clara Avenue Alameda, CA 94501	City of Alameda Fire Chief 1300 Park Street Alameda, CA 94501
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13.6 Notwithstanding the foregoing, the COUNTY may, at any time during the term of the AGREEMENT, suspend pursuant to Section 13.8 or terminate this AGREEMENT for CITY's material breach of the AGREEMENT. Such action to suspend or terminate the AGREEMENT shall not be undertaken unless CITY has first received written notice from the COUNTY describing the sections in the AGREEMENT with which it allegedly has failed to comply or sections in the AGREEMENT with which it has failed to comply that resulted in material breach of the AGREEMENT and CITY fails within sixty (60) days after receiving said notice to cure such failure to comply, or if the failure cannot reasonably be cured within sixty (60) days, CITY fails to commence cure of the failure within the sixty (60) day period and in good faith continue to cure the failure. Upon request of CITY, the COUNTY shall provide acknowledgment to CITY that CITY's alleged failure to comply has been corrected or otherwise resolved.

13.7 Material breach is defined as:

13.7.1 Willful failure of the CITY to operate the ALS service in a manner that enables COUNTY or CITY to remain in substantial compliance with the requirements of applicable Federal, State, and County laws, rules, and regulations. Minor infractions of such requirements shall not constitute a major breach, but such willful and repeated breaches shall constitute a material breach.

CITY OF ALAMEDA AMBULANCE AND PARAMEDIC PROVIDER AGREEMENT

13.7.2 Willful falsification of data supplied to the COUNTY during the course of operations, including by way of example but not by way of exclusion, dispatch data, patient report data, response time data, financial data, or falsification of any other data required under this Agreement.

13.7.3 Willful failure to maintain equipment in accordance with good maintenance practices.

13.7.4 Chronic and persistent failure of CITY's employees to conduct themselves in a professional and courteous manner and to present a professional appearance.

13.7.5 Willful failure to comply with approved billing and collection procedures.

13.7.6 Failure to maintain the required insurance.

13.7.7 Willful failure to properly report and comply with the penalty provisions.

13.8 In the event the COUNTY determines that a material breach, actual or threatened, has or will occur, or that a labor dispute has prevented performance, and if the nature of the breach is, in the COUNTY's opinion, such that public health and safety are endangered, and after CITY has been given notice and reasonable opportunity to correct the deficiency, the matter will be presented to the Board of Supervisors in open session. If the Board of Supervisors concurs based on substantial evidence that material breach has occurred and that health and safety would be endangered by allowing the CITY to continue its operations, the CITY will cooperate fully with the COUNTY, to effect an immediate takeover of ALS Transport Services and/or Paramedic First Responder Services by the COUNTY. The COUNTY will affect such takeover not more than 72 hours after action.

13.9 Major breach of the AGREEMENT shall be defined as non-compliance with the following section: 3.10.4, 3.20, 11.2.3, 11.4 Major breach of the AGREEMENT may result in suspension or termination of this AGREEMENT following written notice by COUNTY to

CITY OF ALAMEDA AMBULANCE AND PARAMEDIC PROVIDER AGREEMENT

CITY without a sixty (60) day period to allow the commencement of a cure of the breach as discussed in 13.6.

13.10 The COUNTY may unilaterally terminate the takeover period at any time. The takeover period shall last, in the COUNTY's judgment, no longer than is necessary to stabilize the EMS System and to protect the public health and safety.

14. MISCELLANEOUS

14.1 The CITY shall (whenever possible) assist the COUNTY with public education programs within the service area.

14.2 The CITY shall participate in disaster drills per COUNTY's request within the service area.

14.3 The CITY shall offer to the community a variety of programs consistent with criteria developed for public information and education by the COUNTY within the service area.

Such programs may include:

14.3.1 Cardio-pulmonary resuscitation

14.3.2 9-1-1 access

14.3.3 Establishment of assessment programs to focus on measurable needs.

- Asthma
- Pedestrian Safety
- Gunshot wounds
- Car seat compliance and efficacy
- Heart Disease
- Immunization, roles and compliance
- Prevention activities targeting seniors and children

**CITY OF ALAMEDA AMBULANCE AND PARAMEDIC PROVIDER
AGREEMENT**

14.3.4 Enhancing access to service through expansion, interagency coordination, and access to health information.

14.4 Should there be a change in the COUNTY's EMS Plan that results in the need to make amendments to this AGREEMENT, PARTIES agree to negotiate in good faith to make such changes as are mutually deemed to be necessary.

14.6 No officer, member, or employee of COUNTY and no member of their governing bodies shall have any pecuniary interest, direct or indirect, in this AGREEMENT or the proceeds thereof.

COUNTY OF ALAMEDA

CITY OF ALAMEDA,
A Municipal Corporation

BY: _____

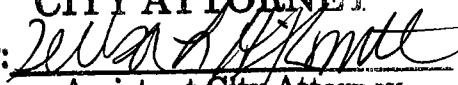
BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

Approved as to Form
CITY ATTORNEY
By: 
Assistant City Attorney

CITY OF ALAMEDA AMBULANCE AND PARAMEDIC PROVIDER AGREEMENT

ATTACHMENTS

The Attachments to be attached and incorporated in the AGREEMENT are as follows:

- | | |
|-----------|--------------------------------------|
| Exhibit-A | Map of Exclusive Operating Area |
| Exhibit B | COUNTY's Required Radio Equipment |
| Exhibit C | COUNTY'S Required Insurance Document |
| Exhibit D | COUNTY's User Fees Schedule |

**CITY OF ALAMEDA AMBULANCE AND PARAMEDIC PROVIDER
AGREEMENT**

IN WITNESS WHEREOF, the PARTIES hereto have executed this AGREEMENT to day and year
above written.

President, Board of Supervisors

Alameda County

City Manager

City of Alameda County

Approved as to Form:

Approved as to Form:

County Counsel

City Attorney

Date: _____

Date: _____

EXHIBIT A

ALAMEDA COUNTY

City of Alameda EOA

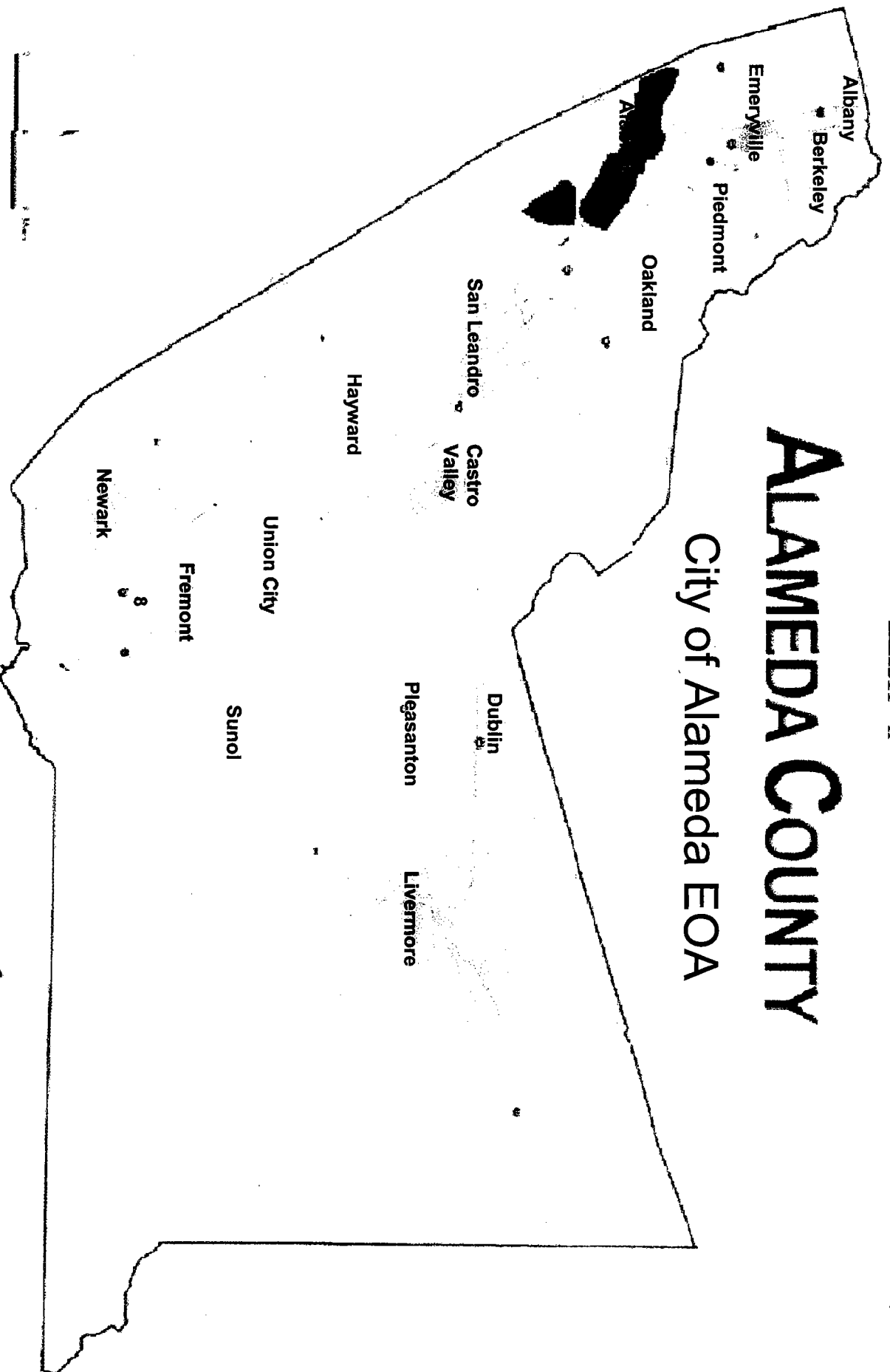


EXHIBIT B

Required Radio Equipment

Each response vehicle shall have the following equipment installed:

- 1 - 48 channel 800Mhz mobile radio compatible with Alameda County's trunked 800 MHz system, permanently mounted and connected to a permanently mounted outside antenna.
- 2 -48 channel 800MHz portable radios compatible with Alameda County's trunked 800 MHz system
- 1 -10 channel UHF Medcom Radio with front and rear compartment communications capabilities

EXHIBIT C

COUNTY OF ALAMEDA MINIMUM INSURANCE REQUIREMENTS

Without limiting any other obligation or liability under this Agreement, the Contractor, at its sole cost and expense, shall secure and keep in force during the entire term of the Agreement or longer, as may be specified below, the following insurance coverage, limits and endorsements:

A	Commercial General Liability Premises Liability; Products and Completed Operations; Contractual Liability; Personal Injury and Advertising Liability	\$1,000,000 per occurrence (CSL) Bodily Injury and Property Damage
B	Commercial or Business Automobile Liability All owned vehicles, hired or leased vehicles, non-owned, borrowed and permissive uses. Personal Automobile Liability is acceptable for individual contractors with no transportation or hauling related activities	\$1,000,000 per occurrence (CSL) Any Auto Bodily Injury and Property Damage
C	Workers' Compensation (WC) and Employers Liability (EL) Required for all contractors with employees	WC: Statutory Limits EL: \$100,000 per accident for bodily injury or disease
D	Professional Liability/Errors & Omissions Includes endorsements of contractual liability	\$1,000,000 per occurrence \$2,000,000 project aggregate
E	Endorsements and Conditions: <ol style="list-style-type: none"> 1. ADDITIONAL INSURED: All insurance required above with the exception of Professional Liability, Personal Automobile Liability, Workers' Compensation and Employers Liability, shall be endorsed to name as additional insured: County of Alameda, its Board of Supervisors, the individual members thereof, and all County officers, agents, employees and representatives. 2. DURATION OF COVERAGE: All required insurance shall be maintained during the entire term of the Agreement with the following exception: Insurance policies and coverage(s) written on a claims-made basis shall be maintained during the entire term of the Agreement and until 3 years following termination and acceptance of all work provided under the Agreement, with the retroactive date of said insurance (as may be applicable) concurrent with the commencement of activities pursuant to this Agreement. 3. REDUCTION OR LIMIT OF OBLIGATION: All insurance policies shall be primary insurance to any insurance available to the Indemnified Parties and Additional Insured(s). Pursuant to the provisions of this Agreement, insurance effected or procured by the Contractor shall not reduce or limit Contractor's contractual obligation to indemnify and defend the Indemnified Parties. 4. INSURER FINANCIAL RATING: Insurance shall be maintained through an insurer with a minimum A.M. Best Rating of A- or better, with deductible amounts acceptable to the County. Acceptance of Contractor's insurance by County shall not relieve or decrease the liability of Contractor hereunder. Any deductible or self-insured retention amount or other similar obligation under the policies shall be the sole responsibility of the Contractor. Any deductible or self-insured retention amount or other similar obligation under the policies shall be the sole responsibility of the Contractor. 5. SUBCONTRACTORS: Contractor shall include all subcontractors as an insured (covered party) under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein. 6. JOINT VENTURES: If Contractor is an association, partnership or other joint business venture, required insurance shall be provided by any one of the following methods: <ul style="list-style-type: none"> — Separate insurance policies issued for each individual entity, with each entity included as a "Named Insured (covered party)", or at minimum named as an "Additional Insured" on the other's policies. — Joint insurance program with the association, partnership or other joint business venture included as a "Named Insured." 7. CANCELLATION OF INSURANCE: All required insurance shall be endorsed to provide thirty (30) days advance written notice to the County of cancellation. 8. CERTIFICATE OF INSURANCE: Before commencing operations under this Agreement, Contractor shall provide Certificate(s) of Insurance and applicable insurance endorsements, in form and satisfactory to County, evidencing that all required insurance coverage is in effect. The County reserves the rights to require the Contractor to provide complete, certified copies of all required insurance policies. The required certificate(s) and endorsements must be sent to: <ul style="list-style-type: none"> - Department/Agency issuing the contract - With a copy to Risk Management Unit (1106 Madison Street, Room 233, Oakland, CA 94607) 	

EXHIBIT D

ALAMEDA COUNTY 911 SYSTEM
CONTRACTOR'S User Fees and Line Item Charges
Effective Date: April 20,2005

12 Lead EKG	\$0.00	Glucagon	\$95.00
Activated Charcoal	\$35.00	Glucose	\$12.91
Adenosine	\$78.82	Glucometer Test Supplies	\$1.60
Airway - Nasal	\$6.98	Head Bed	\$18.00
Airway - Oral	\$6.98	Intraosseous Needle	\$12.91
ALS Base Emergency	\$930.40	Intubation Supplies	\$8.81
Albuterol (with Nebulizer)	\$35.00	IV Catheter	\$9.55
Amiodarone	\$35.00	IV Start Kit	\$11.58
Aspirin	\$5.00	Lasix	\$17.61
Atropine	\$15.23	Lidocaine 200 2%	\$18.11
Atrovent	\$16.00	Mask Packet	\$17.61
Bag Valve Mask	\$45.76	Midazolam	\$16.00
Bandages - Triangular	\$5.84	Mileage	\$20.00
Bed Pan	\$2.88	Morphine	\$14.60
Benadryl	\$11.74	Multi-drip IV Tubing	\$18.80
Blanket Disposable	\$14.09	Narcan	\$17.61
Blood Draw Tube / Needle	\$23.70	Nebulizer	\$22.50
Blood Set	\$18.80	Nitroglycerin spray	\$21.63
BLS Base Emergency	\$599.00	Normal Saline IV solution 1L	\$17.61
Burn Sheet	\$21.12	Normal Saline 1L Bottle	\$12.00
Calcium Chloride	\$16.08	OB Pack	\$59.41
Cervical Collar	\$24.00	Oxygen	\$59.51
Cold / Hot Pack	\$11.74	P.T.V. Kit	\$32.85
Combitube (Adult & Small)	\$82.00	Pleural Decompression Kit	\$32.85
CPAP Mask and Tube (includes generator)	\$95.00	Pulse Oximetry Sensor	\$35.00
D5W IV solution	\$17.61	Sodium Bicarb	\$17.61
Dextrose 25%	\$21.14	Spinal Immobilization	\$47.50
Dextrose 50%	\$21.14	Splint - Arm (disposable)	\$12.00
Dopamine	\$17.61	Splint - Leg (disposable)	\$12.00
Dressing - Major	\$6.79	Sterile Water normal saline	\$12.00
EKG Electrodes	\$28.75	Suction Tube / Tip Supply	\$19.10
EKG Monitor	\$78.82	Valium	\$15.87
End Tidal CO2 Detector	\$32.85	Universal Precautions	\$13.49
EPI 1:1000 1mg/1cc	\$17.61	Urinal	\$2.88
EPI 1:10,000 1 mg	\$17.61		
Extra Attendant	\$49.91		

CITY OF ALAMEDA

MEMORANDUM

DATE: May 31, 2005

TO: Honorable Mayor and
Councilmembers

FROM: William C. Norton
Acting City Manager

RE: Recommendation to Approve Long-Term Park Use Policy

BACKGROUND

On September 7, 2004, the City Council requested that the Recreation and Park Commission develop a park policy that governs the private use of City parks for Council's consideration and approval. This request was initiated in response to the Alameda Boys and Girls Club's request to establish a satellite facility in McKinley Park. That request was not approved.

The Recreation and Park Commission held six public meetings over the past six months in order to develop the Long-Term Park Use Policy attached here as Exhibit A.

DISCUSSION/ANALYSIS

The City routinely receives requests for use of park land and facilities from a variety of entities including public, private, commercial, and non-profit groups. In order to effectively and efficiently deal with these requests and to provide the greatest degree of protection of the City's park facilities and the associated park users, a comprehensive Park Use Policy needs to be implemented.

The proposed Long-Term Park Use Policy:

- Establishes and defines standards and policies for non-City (e.g., long-term non-profit groups, etc.) sponsored park use of City facilities.
- Establishes and defines standards for construction and renovation.
- Informs potential users and the public in general of the established guidelines regarding non-City park uses.
- Establishes a procedure to insure the fair and uniform administration of non-City park uses.

- Discourages inappropriate use of park property.
- Minimizes damage to park land and facilities.
- Minimizes inconvenience to park patrons and the surrounding neighborhoods.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

Not applicable.

RECOMMENDATION

The Recreation & Park Commission recommends that City Council approve the Long-Term Park Use Policy.

Respectfully submitted,

William C. Norton
Acting City Manager

By: _____


Dale Lillard, Acting Director
Recreation and Park Department

Exhibit A

WCN:DL:CJ:bf

Long-Term Park Use Policy

PURPOSE

The Recreation and Park Commission was created by Council Ordinance with the express mission of advising, coordinating, and providing guidance for the acquisition, development, maintenance, and operation of city parks, playgrounds, and other recreational facilities.

The Commission routinely receives requests for use of park land and facilities from a variety of entities including public, private, commercial, and non-profit groups. In order to effectively and efficiently deal with these requests and to provide the greatest degree of protection of the City's park facilities and the associated park user's a comprehensive Park Use Policy needs to be implemented.

This Park Use Policy will address the following:

- Establish and define standards and policies for non-City (e.g., long-term non-profit groups, etc.) sponsored park use of City facilities.
- Establish and define standards for construction and renovation.
- Inform potential users and the public in general of the established guidelines regarding non-City park uses.
- Establish a procedure to insure the fair and uniform administration of non-City park uses.
- Discourage inappropriate use of park property.
- Minimize damage to park land and facilities.
- Minimize inconvenience to park patrons and the surrounding neighborhoods.

APPLICATION FOR PARK USE

Parties desiring to use park property for non-City park use shall apply to the Director of the Alameda Recreation and Park Department. Applications for non-City park use of any City park will be considered only after the applicant has submitted satisfactory information that will assist the Recreation and Park Department in determining the extent and impact of the use requested.

Long-Term Park Use Policy

The Recreation and Park Department will cooperate with the requesting party by supplying information and/or staff time on a cost-reimbursable basis. All costs associated with request, transfer, and replacement of public park lands or park facilities will be the responsibility of the requesting party. Final approval by the City Council will be required of all requests.

The Alameda Recreation and Park Department will have the authority to deny non-City park uses which, in its sole determination, would materially adversely impact park users.

City Park Application

The following requests for use will not be considered:

- Requests for use of City Parks of three (3) acres or less.
- Requests that would displace existing Alameda Recreation and Park Department Programs.
- Requests for use by non-City sponsored, private profit making enterprises.
- Uses that would occupy more than 25% of the total acreage available in the affected park.

Review Process

Once an application has been filed with the Alameda Recreation and Park Department, the applicant will be required to:

1. Conduct a community meeting with the neighborhood currently served by the area requested.
2. Notify residents (both property owners and renters) within 300 feet of the facility requested at the applicant's expense.
3. Address issues such as potential traffic problems, litter, parking, and noise during the informational meeting.
4. Provide detailed plans or drawings illustrating any significant structural additions or deletions.

Long-Term Park Use Policy

5. Comply with the established policies and procedures of the City of Alameda's Planning Department regarding the placement of structures and hours of operation.
6. Demonstrate the ability to maintain the facilities requested as determined by the Recreation and Park Department Director.
7. Attend a hearing before the Recreation and Park Commission for its consideration and approval of the application.

CITY OF ALAMEDA
MEMORANDUM

Date: May 24, 2005

To: Honorable Mayor and
Councilmembers

From: William C. Norton
Acting City Manager

Re: First Amendment to Agreement with Consolidated Construction Management (CCM),
Extending the Term, Scope of Work, and Price, for the New Main Library Project, No.
P.W. 01-03-01

BACKGROUND

On December 2, 2002, the City was awarded a State Library Grant for \$15,487,952 for construction of a new library. Alameda voters previously approved Measure O in the amount of \$10,600,000, which will provide matching funds for the project and improvements to the branch libraries. On May 20, 2003, Council approved an agreement to retain Consolidated Construction Management (CCM) as the construction management firm to oversee the design and construction phases of this project.

DISCUSSION

CCM has supported the new main library project beginning with design development process (including meeting extensively with the Library Building Team (LBT)), assisting with the drafting of specifications, constructibility reviews of final construction documents, value engineering input, LEED analysis and contract negotiation. The scope of work for the original contract portended a twelve-month course of construction based upon the architect's 2003 estimate. The architect revised the estimated course of construction in April 2004 to an eighteen-month course of construction, effectively adding six months to CCM's contract. The attached amendment provides CCM with additional time to meet this new schedule.

Staff considered hiring an outside consultant to provide assistance with furniture, fixtures, and equipment (FF&E) procurement and professional services required to oversee the move and set up of equipment, books, and preservation of existing reference and periodicals collections from the library's current location to the new Library. Proposals received to date for the important coordination work have been in the neighborhood of \$65 - \$85K. CCM has presented a proposal to perform this work for an additional \$26K because they are already on the job and are very familiar with our program and needs.

To date, the work and cooperation of CCM has been of high quality and staff recommends using this consultant for the additional work. Current contract limit (including contingency) is \$545,332.30 of which \$279,879 is remaining. The proposed additional cost for extending the construction time period, providing FF&E procurement and library move coordination services is \$279,879. This will result in a new contract limit (including contingency) of \$825,211.30. Staff requests authorization for the Acting City Manager to amend the agreement with CCM.

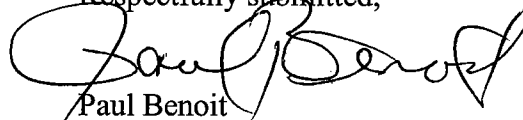
BUDGET CONSIDERATION/FINANCIAL ANALYSIS

This project is identified as CIP 02-37 with a total budget of \$15.6M (State Grant and Measure O Funds) allocated for construction. Funds to pay for this expected contract extension and additional work are already included in the construction management line item and were formerly allocated to pay for construction management by the Public Works Department. There will be no impact to the project's contingency funding by this amendment.

RECOMMENDATION

It is recommended that the City Council by motion authorize the Acting City Manager to amend the agreement with Consolidated Construction Management for the New Main Library Project, No. P.W. 01-03-01.

Respectfully submitted,


Paul Benoit
Assistant City Manager

R.H. (by us)
By: Robert G. Haun
Project Manager

PB/RH:ms

enclosure

cc: Library Director

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FIRST AMENDMENT TO AGREEMENT

ORIGINAL

This Amendment of the Agreement, entered into this 24th day of May 2005, by and between CITY OF ALAMEDA, a municipal corporation (hereinafter referred to as "City"), and **CONSOLIDATED CONSTRUCTION MANAGEMENT, INC.**, a California corporation, whose address is **180 Grand Avenue, Suite 1520, Oakland, California, 94612**, (hereinafter referred to as "Consultant"), is made with reference to the following:

RECITALS:

- A. On May 21, 2003, an agreement was entered into by and between City and Consultant (hereinafter "Agreement").
- B. In April 2004 the Architect revised the estimated course of construction from 12 months to 18 months.
- C. City and Consultant desires to extend the contract term to match the revised estimated course of construction.
- D. City and Consultant desire to modify the Agreement on the terms and conditions set forth herein. Consultant will be on-site during the construction phase of this project to provide construction management services; furniture, fixtures and equipment (FF&E) support and be involved in the moving contract work. Cost for this additional work shall not exceed \$279,879.

NOW, THEREFORE, it is mutually agreed by and between and undersigned parties as follows:

- 1. Article 1, Term, page 1, of the Agreement is modified to read as follows:

"The term of this Agreement shall commence on the 21st day of May 2003 and shall terminate on the 31st day of July 2006, unless terminated earlier as set forth herein."
- 2. Article 2, Services to be Performed, page 1, of the Agreement is modified to read as follows:

"Consultant shall perform professional construction management services, provide FF&E procurement and move coordination and perform professional services required to oversee the move from the library's current location to the new building as set forth in Exhibit "A" of the original contract and Exhibit "A1" of this Agreement, which is attached hereto and incorporated herein by this reference, except as otherwise requested by the City. It is mutually understood that this Agreement is based upon services provided on an hourly basis."

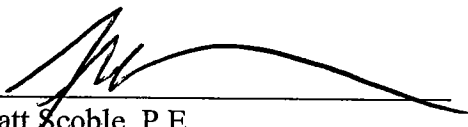
3. Article 3, Compensation to Consultant, page 2, paragraph 4 of the Agreement is modified to read as follows:

"Compensation, including contingencies, under the original agreement is not to exceed \$545,332.30. Compensation under First Amendment to Agreement is not to exceed \$279,879. These two totals result in a total not to exceed revised contract limit of \$825,211.30. Use of contingency shall require prior written authorization by the City."


4. Except as expressly modified herein, all other terms and covenants set forth in the Agreement shall remain the same and shall be in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this modification of Agreement to be executed on the day and year first above written.


CONSOLIDATED CONSTRUCTION
MANAGEMENT, INC.
A California Corporation


Matt Scoble, P.E.
President

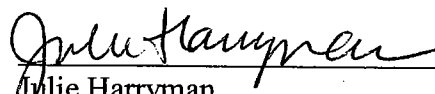
CITY OF ALAMEDA
A Municipal Corporation


William C. Norton
Acting City Manager

RECOMMENDED FOR APPROVAL:


Robert G. Haun
Project Manager

APPROVED AS TO FORM:
City Attorney


Julie Harryman
Deputy City Attorney

Dated: 5/24/05

EXHIBIT 'A1'

SCOPE OF WORK

CONSOLIDATED CONSTRUCTION MANAGEMENT

New Main Library - No. P.W. 01-03-01

Details of tasks are incorporated by this reference and are to be developed and executed under direction of the City's project manager.

Consolidated Construction Management will be on-site during the construction phase of this project and will provide:

- Extended construction management services to conform to the revised construction time line.
- Furniture, fixtures and equipment (FF&E) procurement.
- Perform professional services required to oversee the move and set up of equipment, books, and preservation of existing reference and periodicals collections from the library's current location to the new Library. This task will include:
 1. Set Scope of Move
 2. Qualify vendors.
 3. Solicit bids.
 4. Review bids.
 5. Coordinate with Library staff.
 6. Confirm preparedness of new Library.
 7. Set schedules.
 8. Review mover plans.
 9. Observe move.
 10. Closeout.

Cost for this additional work shall not exceed \$279,879 and is based upon services provided on an hourly basis.

CITY OF ALAMEDA

MEMORANDUM

Date: May 25, 2005

To: Honorable Mayor and
Councilmembers

From: William Norton
Acting City Manager

Re: Approval to Set a Public Hearing for Delinquent Integrated Waste Management Charges

BACKGROUND

In accordance with Chapter XXI, Solid Waste and Recycling, of the Alameda Municipal Code (AMC) and the Franchise Agreement between the City of Alameda and Alameda County Industries (ACI), ACI is obligated to make at least four (4) attempts to collect from delinquent integrated waste management (IWM) accounts, after which time, ACI may assign its rights to the City. Following the assignment, City may then send a letter to each assigned account requesting payment, and if not promptly received, the City may consider the collection of delinquent accounts by means of the property tax bills. The City Council is required to hold a Public Hearing prior to collecting through the property tax bills.

DISCUSSION/ANALYSIS

On March 22, 2004, ACI, in accordance with the AMC and their Franchise Agreement, assigned a list of delinquent IWM accounts to the City for collection. In accordance with the AMC, the City may then send a letter to each assigned account requesting payment, and if not promptly received, the City will collect delinquent accounts by means of the property tax bills at a Public Hearing. The Public Hearing to consider the collection of delinquent accounts by means of the property tax bills is recommended to be set for June 21, 2005. The City is obligated to pay ACI for all delinquent accounts. Accounts that remain delinquent and are not approved for collection through the property tax bills are considered "bad debt" and will be included in the next rate review (commencing July 1, 2007), potentially resulting in an increase in the rates.

BUDGET CONSIDERATION/FINANCIAL ANALYSIS

The City receives a 10% franchise fee from ACI which is revenue for the General Fund. Unpaid IWM fees, therefore, result in a loss in General Fund revenues.

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MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE


The proposed action does not affect the Alameda Municipal Code.

The City's Integrated Waste Management Program is consistent with the General Plan Health & Safety Element Guiding Policy 8.4.k.

RECOMMENDATION

The Acting City Manager recommends that the City Council, by motion, set a public hearing for delinquent Integrated Waste Management charges for June 21, 2005.

Respectfully submitted,



Matthew T. Naclerio
Public Works Director



By: Maria F. DiMeglio
Program Specialist II

MTN:MFD:gc
cc: ACI

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CITY OF ALAMEDA

MEMORANDUM

Date: June 1, 2005

To: Honorable Mayor and
Councilmembers

From: William Norton
Acting City Manager

Re: Resolution to Apply for Five Percent Unrestricted State Funds and Two Percent Bridge Toll Revenue Funds for Operating Subsidy and Capital Projects for the City of Alameda Ferry Services, and Authorize Acting City Manager to Enter into All Agreements Necessary to Secure These Funds

BACKGROUND

In November 1989, voters approved Regional Measure 1 (RM1), authorizing a toll increase of \$1.00 for vehicles on all state-owned bridges in the Bay Area. Up to three percent (3%) of the revenues derived from the toll increase were made available for transportation projects that reduce congestion on these bridges. The Metropolitan Transportation Commission (MTC) approves projects and distributes RM1 Bridge Toll Funds. The RM1 Funds are divided into north and south bridge groups and into operating funds and capital funds. Alameda Ferry Services are eligible for the southern bridge group operating and capital funds.

In April 2005, MTC issued a Call for Projects for FY 2005/06 funding with an application deadline of May 6, 2005. Staff submitted a draft application to meet the deadline with the understanding that the application would be modified based on City Council's review and approval of the Funding Agreements for the Alameda Ferry Services in June.

DISCUSSION/ANALYSIS

I. Applications for Operating Funds: Southern bridge group operating funds for FY 2005/06 are \$1,471,102.

a. AOFS – The application to MTC requests \$1,021,102 from RM1. The total operating budget is estimated at \$3,416,866. Projected revenue consisted of:

- RM1 - \$1,021,102;
- Measure B - \$493,564;
- Port of Oakland - \$83,325; and
- Farebox revenue - \$1,818,875.

The actual AOFS FY 2005/06 pro forma budget is discussed in a separate action item.

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- b. AHBFS - The application to MTC requests \$450,000 from RM1. Total operating budget is estimated at \$1,277,251. Projected revenue consisted of:
- RM1- \$450,000;
 - Measure B - \$144,400;
 - Transportation Improvement Fund (TIF) - \$217,400; and
 - Farebox revenue, \$465,451.

The actual AHBFS FY 2005/06 pro forma budget will be considered at the June 21, 2005 Council meeting.

- II. Applications for Capital Funds: Southern bridge group funds available for capital projects for FY 2005/06 are \$672,269. The City is submitting five capital projects for RM1-2% funding. These are:

- a. Peralta D-Check - This project provides for the 12,000 engine-hour preventative maintenance of the Cummins engines. Work includes inspection, repair and replacement of turbos, injectors and pumps. Total project cost is \$50,500. Proposed funding is:

Regional Measure 1-2%	\$33,500
City Regional Measure B	<u>\$17,000</u>
Total	\$50,500

- b. Bay Breeze Water Jet Preventive Maintenance and Haulout – This project provides for the inspection, repair and replacement of critical water jet components such as steering rams, hoses, cylinders, the replacement of a section of the inlet tunnels and resetting of the parameters. This work requires boat haulout thereby, permitting preventative maintenance work on items such as the sewage tank, hulls (sandblasting, painting), cooling system, zincs, etc. Total project cost is \$326,818. Proposed funding is:

Regional Measure 1-2%	\$326,818
-----------------------	------------------

- c. Encinal Haulout and Rudder/Interceptor Installation – This project provides for the biennial vessel haulout for bottom painting, sewage plumbing upgrade, and the United States Coast Guard (USGC) inspection. While the boat is in drydock, rudders and interceptors will be installed and preventive maintenance on the propellers and shafts will be performed. A previous RM1-2% grant will pay for the rudder, interceptor and shaft/propeller work. Total project cost is \$218,150. Proposed funding is:

RM1-2% (FY '05/06)	\$120,691
Existing RM1-2% Grant	<u>\$ 97,459</u>
Total	\$218,150

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- d. Main Street Barge Refurbishment - Project provides for refurbishment of the AOFS Main Street barge and provides for rental and installation of a temporary replacement barge while the old barge is in drydock. Total project cost is \$234,220. Proposed funding is:

RM1-2% (FY '05/06)	\$155,260
Existing RM1-2% Grant	<u>\$78,960</u>
Total	\$234,220

- e. Peralta Pressure Wash and Paint - This project provides for the biennial painting of the hulls and USCG inspection. It will be done in the state of Washington, as the Peralta will be in the shipyard for replacement of its superstructure. Doing it at that time eliminates drydock fees. Total project cost is \$39,458. Proposed funding is:

RM1-2%	\$36,000
Existing RM1-2% Grant	<u>\$3,458</u>
Total	\$39,458

Capital projects summary:

Total RM1-2% request	\$672,269
City Measure B	\$17,000
Previous RM1-2% grants	<u>\$179,877</u>
TOTAL	\$869,146

These projects are categorically exempt under California Environmental Quality Act (CEQA), Section 15301 because they maintain existing ferry services or existing marine facilities.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Alameda/Oakland Ferry Service:

The AOFS is budgeted under CIP# 621.20. The RM1 grant request is for \$1,021,102. The AOFS is funded through RM1, Measure B, farebox revenue and a contribution from the Port of Oakland. A recommendation by the Acting City Manager to extend the Blue & Gold Fleet (B&GF) operating contract and allocate Measure B revenue is a separate action item.

Alameda Harbor Bay Ferry:

The AHBFS is budgeted under CIP# 621.10. The RM1 grant request is for \$450,000. The AHBFS is funded through RM1, Measure B, TIF, Lighting & Landscape Assessment District 82-4 and farebox revenue. Staff is in negotiations with Harbor Bay Maritime (HBM) and B&GF on terms for a five-year operating contract beginning August 1, 2005. A recommendation by the Acting City Manager to extend the HBM operating contract and allocate Measure B and TIF revenue will be considered at the June 21, 2005 Council meeting.

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Honorable Mayor and
Councilmembers

Page 4
June 1, 2005

Capital Projects:

The City is submitting five capital projects at a total cost of \$869,146. Of this total, \$672,269 is requested from RM1-2% grants. The balance of \$196,877 is from Measure B and prior RM1-2% grants.


MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The City's Ferry Service is consistent with the General Plan Transportation Element Guiding Policy 4.3.f.

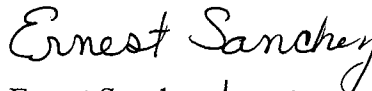
RECOMMENDATION

The Acting City Manager recommends that the City Council, by motion, adopt a resolution to apply for five percent unrestricted state funds and two percent bridge toll revenue funds for operating subsidy and capital projects for the City of Alameda Ferry Services, and authorize the Acting City Manager to enter into all agreements necessary to secure these funds.

Respectfully submitted,



Matthew T. Naclerio
Public Works Director



By: Ernest Sanchez *by gc*
Ferry Manager

MTN:ES:gc

cc: Measure B Watchdog Committee

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CITY OF ALAMEDA RESOLUTION NO. _____

APPLYING FOR FIVE PERCENT UNRESTRICTED STATE FUNDS AND TWO PERCENT BRIDGE TOLL REVENUE FUNDS FOR OPERATING SUBSIDY AND CAPITAL PROJECTS FOR THE CITY OF ALAMEDA FERRY SERVICES, AND AUTHORIZING CITY MANAGER TO ENTER INTO ALL AGREEMENTS NECESSARY TO SECURE THESE FUNDS

WHEREAS, Regional Measure 1 (November 1988) created revenues for allocation by Metropolitan Transportation Commission (MTC); and

WHEREAS, the monies can be used to fund planning, operating and capital projects for water transit purposes which are designed to reduce vehicular traffic on the bridges; and

WHEREAS, the public entities are eligible applicants; and

WHEREAS, the City of Alameda operates the Alameda/Oakland Ferry Service (AOFS) and the Alameda Harbor Bay Ferry Service (AHBFS); and

WHEREAS, staff has identified the need for an operational subsidy for these ferry services; and

WHEREAS, the City has identified the need for six capital projects necessary for the efficient operation of these ferry services; and

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Alameda does hereby approve the applications for both the AHBFS and the AOFS for FY 2005/06 and authorizes the City Manager to apply for Five Percent Unrestricted State Funds and Two Percent Bridge Toll Revenue Funds for Operating Subsidy and Capital Projects to enter into all agreements necessary to secure these funds.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to forward a certified copy of this resolution to the MTC.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in regular meeting assembled on the 7th day of June 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 7th day of June 2005.

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA

MEMORANDUM

Date: June 1, 2005

To: Honorable Mayor and
Councilmembers

From: William C. Norton
Acting City Manager

Re: Recommendation to Authorize Acting City Manager to Execute Extension of the
City/Port of Oakland Ferry Service Agreement

BACKGROUND

On July 1, 2004, the City and Port of Oakland (Port) entered into the Ferry Service Agreement between City of Alameda and Port of Oakland (2004 Agreement) that replaced and superseded the "Joint Powers Agreement" under which the City and Port (Parties) had since 1990 jointly administered the Alameda/Oakland Ferry Service (AOFS). The 2004 Agreement was a fee for services contract whereby the City agreed to provide, through its ferry operator, ferry service to/from Jack London Square for a set fee to be paid by the Port. The Parties now wish to restate the 2004 Agreement by entering into the Amended and Restated Ferry Service Agreement between the City of Alameda and the Port of Oakland (Agreement). The Agreement provides for AOFS to/from Jack London Square for an agreed upon fee and sets forth the Parties respective rights regarding ownership interest of the Parties in the Encinal, Peralta and Bay Breeze.

DISCUSSION/ANALYSIS

The principal terms of the Agreement are:

- Term: The Agreement term is one year beginning July 1, 2005.
- Agreement Extension: The Port's budgeting process makes it unlikely that the Port can determine if it will extend the Agreement for FY 2006/07 before May or June 2006, whereas, the City needs to know if the Port will continue with the AOFS four (4) months prior to the termination date of the Agreement. The Agreement clarifies the situation by providing the Port with four (4) options that will enable the City to proceed with its grant applications, ferry operator contract extension, and California Public Utilities Commission (CPUC) obligations.
- Fee: As consideration for the City to provide ferry service through the ferry operator to/from Jack London Square, the Port will pay to the City \$83,325 for Fiscal Year 2005/2006. This is the same level of support provided by the Port in FY 2004/05.

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- **Audit:** The Port has the right to perform at its sole expense an annual audit of the City to verify the charges and expenses accrued for AOFS operations. The Port will also have the right to perform an annual audit of the AOFS operator.
- **Disposition of Ferry Boats:** The Agreement acknowledges the equity interest of the Parties in the Encinal and the Peralta. In the event that the Agreement is terminated and a) neither Party wishes to administer a ferry service, or b) both Parties intend to administer a ferry service, then the Agreement provides for the division of the ferry vessels based on the equal equity interest of the Parties and division of any financial responsibilities associated with the public funding agreements for acquisition of the ferry vessels. In the event that the Agreement is terminated and only one party wishes to administer a ferry service, that Party has the right to use the Encinal and Peralta in public ferry service.
- **Service Reduction:** The Agreement establishes a mechanism that in the event AOFS expenses materially exceed revenue, the Parties will meet to resolve the funding shortfall. The Parties agree that if service reductions are required, such reductions may not impact the City and the Port equally. The Parties agree that in determining the relative service reductions in the ferry schedule affecting each of the cities of Alameda and Oakland, the Parties shall take into consideration the relative financial contributions made by each of the respective Parties. "Financial Contribution" shall include the amounts paid by each Party from fiscal year 1990/1991 to fiscal year 2004/2005 and the value of the unreimbursed services provided by each Party in connection with the operation and maintenance of the AOFS, the ferry terminals (including the Alameda Main Street Terminal and the Jack London Terminal) and parking facilities.
- **Transfer of the AOFS to the San Francisco Water Transit Authority (WTA):** The Parties acknowledge and agree that the City shall use its best efforts and the Port shall cooperate to negotiate with the WTA for the WTA to take over, succeed to, or otherwise provide the AOFS or services substantially similar to the AOFS by or prior to fiscal year 2006-2007.

A copy of the City/Port of Oakland Agreement is on file in the City Clerk's Office.

BUDGET CONSIDERATION/FINANCIAL ANALYSIS

This project is funded under CIP# 621.20. There is no impact to the General Fund associated with AOFS operations. Total AOFS FY 2005/06 budget is \$3,432,595. Revenue sources are detailed in Table 1 (see attached table).

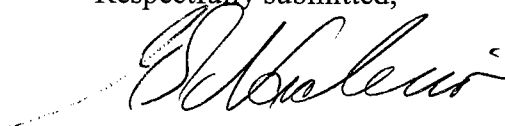
MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The City's Ferry Service is consistent with the General Plan Transportation Element Guiding Policy 4.3.f.

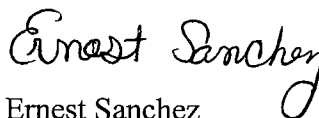
RECOMMENDATION

The Acting City Manager recommends that the City Council, by motion, authorize Acting City Manager to execute extension of the City/Port of Oakland Ferry Service Agreement.

Respectfully submitted,



Matthew T. Naclerio
Public Works Director



By: Ernest Sanchez
Ferry Manager

MTN:ES:gc

Attachment

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Table 1

AOFS		Use of Funds	
Source	REVENUE	AOFS (1)	Use of Funds City Expenses (2)
Farebox	\$1,741,568	\$1,741,568	\$0
MTC RM1-5%	\$1,021,102	\$1,021,102	\$0
Measure B '05/06	\$586,600	\$491,884	\$94,716 (See Table 2)
Port of Oakland	\$83,325	\$83,325	\$0
Total	\$3,432,595	\$3,337,879	\$94,716

(1) Joint City/Port costs.

(2) City only expenses.

Table 2 Use of Funds – City Expenses

City Expenses Only	Amount
Facility Security Officer (Main Street	\$0
Utilities (Main Street)	\$200
Barge (Main Street) Reserve to Refurbish in Winter of 2006 with Regional Measure 1 Funds	\$0
Main Street Maintenance	\$9,836
Main Street Patrol Guard	\$78,000
Contingency	\$5,000
SRTP	\$880
Surveys	\$800
TOTAL	\$94,716

CITY OF ALAMEDA

MEMORANDUM

Date: June 1, 2005

To: Honorable Mayor and
Councilmembers

From: William Norton
Acting City Manager

Re: Recommendation to Authorize Acting City Manager to Execute Extension of Blue & Gold Fleet Operating Agreements with the Alameda/Oakland Ferry Service (AOFS) and Adopt Associated Budget

BACKGROUND

On August 1, 2004, the City and Blue & Gold Fleet (B&GF) entered into the Agreement for AOFS (Agreement). The Agreement is a Cost Plus Fixed Fee contract wherein the operator receives a fixed management fee while operational costs are passed through to the City to be paid in advance on a monthly basis. Costs include fuel, labor, vessel maintenance, insurance and a fixed administration fee. While the City only pays actual operating costs, some costs are capped and cannot exceed a predetermined yearly amount. B&GF collects farebox revenue though farebox revenue is used to offset operating costs. The City and B&GF have negotiated a Second Amendment to AOFS Agreement (Amendment) that extends the Agreement for one year, adjusts operator fees, modifies the schedule and makes the existing \$0.25 one-way Fuel Surcharge permanent. The Amendment is on file in the City Clerk's Office.

DISCUSSION/ANALYSIS

The principal terms of the Amendment are:

- **Term:** One year beginning July 1, 2005 with up to three additional one-year extensions.
- **Budget:** The AOFS FY 2005/06 budget totals \$3,432,595 compared to \$3,259,148 last year. The change is mainly due to the increased cost of diesel fuel. AOFS expenses are detailed in Table 1 (see attached tables).
- **Expenses:** Major expense items are operator fees, fuel and City costs.
 - **Operator Fees:** B&GF will receive fixed management and administration overhead fees of \$203,236 compared to \$196,363 in FY 2004/05. In addition, there is a performance incentive based on customer satisfaction survey results and on time performance. The available 12-month performance based incentive will be \$79,036 compared to \$76,364 in 2004/05. Total fixed fee and performance-based incentives will be \$282,272 compared to \$272,727 for the same period the prior year.

- Fuel: Fuel is budgeted at \$682,000 for 341,000 gallons at \$2.00 per gallon. This compares with the \$362,725 for 341,000 gallons in 2004/05 (\$1.06 per gallon).
- City Costs: City costs are expected to be \$534,339 compared to \$790,731 in 2004/05 (see attached Table 2). The reduction in City costs is mainly due to the elimination of one staff position and elimination of a paid Facility Security Officer position. A Facility Security Officer for each ferry terminal is required under the Homeland Security Act of 2000. The Ferry Manager will assume these duties. City costs include \$82,940 for marketing and \$205,000 for operating contingency. Reserve Accounts are funded from FY 2005/06 Alameda Ferries Measure B revenue.
- **Revenue:** Public funding for the AOFS totals \$1,691,027 and is provided from Regional Measure 1, Measure B and the Port of Oakland (see attached Table 3). In addition, farebox revenue is estimated at \$1,741,568 and assumes approximately 406,000 tickets sold at an average fare of \$4.29. The 406,000 tickets assume a 2% increase in ticket sales against 2004 actuals.

The budget is based upon Council approval of the following:

- Service Reduction - To reduce operating costs, the 7:40 a.m./7:50 a.m. weekday east bay departures will be eliminated. These departures were only offered seasonally mid-May through October. Elimination of these runs will result in a net cost reduction of approximately \$46,000. On March 11, 2005, the City surveyed AOFS riders to determine their preferences concerning a) keeping the 7:40 a.m./7:50 a.m. runs and increasing fares by \$0.25 each way or b) eliminating the 7:40 a.m./7:50 a.m. runs and keeping the current fares. Of the respondents, 13% said they would reduce or discontinue their use of the AOFS if fares were increased whereas only 6% said they would reduce or discontinue their use of the AOFS if the 7:40 a.m./7:50 a.m. were eliminated.
- Make the Existing Fuel Surcharge Permanent – In July 2004, Council approved implementation of a \$0.25 one-way fuel surcharge previously authorized by the California Public Utilities Commission (CPUC). The Acting City Manager recommends making the \$0.25 that is now collected as a “Fuel Surcharge” a permanent fare increase. This will require applying to the CPUC for a formal tariff change. AOFS riders will continue to pay the same ticket prices they do now.
- Farebox Recovery Ratio - Based on adoption of the above recommendations, AOFS Farebox Recovery Ratio for FY 2005/06 is projected to be 53.9% (see Table 4).

BUDGET CONSIDERATION/FINANCIAL ANALYSIS

The AOFS is budgeted under CIP# 621.20. There is no impact to the General Fund associated with AOFS operations.

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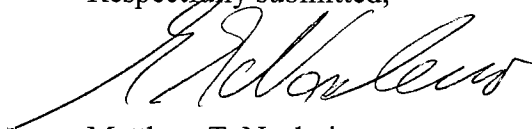
MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The City's Ferry Service is consistent with the General Plan Transportation Element Guiding Policy 4.3.f.

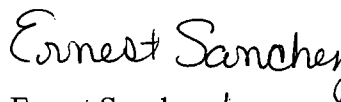
RECOMMENDATION

The Acting City Manager recommends that City Council, by motion, authorize the Acting City Manager to execute extension of Blue & Gold Fleet Operating Agreements with the Alameda/Oakland Ferry Service (AOFS) and adopt associated budget.

Respectfully submitted,



Matthew T. Naclerio
Public Works Director



By: Ernest Sanchez *bygc*
Ferry Manager

MTN:ES:gc

Attachment

cc: Measure B Watchdog Committee

G:\PUBWORKS\pwadmin\COUNCIL\2005\060705\B&GF contract extension - matt.doc

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Table 1- AOFS Pro Forma Budget FY 2005/06

Cap	EXPENSES	Budget FY 2005/06	Budget FY '04/05
	Vessel Expenses:		
No	Wages (1)	\$1,290,000	\$1,112,416
No	Maintenance:		
	Pier 9	\$170,000	\$200,000
	Outside contractors (2)	\$170,000	\$200,000
No	Fuel (3)(4)	\$682,000	\$362,725
No	Insurance (5)	\$186,123	\$165,449
No	Rental of Carrier boats (6)	\$9,595	\$20,000
Yes	Other	\$5,693	\$5,500
	Total Vessel	\$2,513,411	\$2,066,090
	Non Vessel Expenses:		
Yes	Contract services	\$3,105	\$3,000
Yes	Professional fees/legal	\$12,420	\$12,000
Yes	Customer Service (7)	\$36,067	\$21,000
Yes	Taxes/licenses	\$14,904	\$14,400
No	Insurance (facilities)	\$0	\$0
Yes	Port SF/Pier 39 fees (8)	\$81,972	\$79,200
	Subtotal Non Vessel	\$148,468	\$129,600
	Operator Fees:		
Yes	Admin/Overhead fees	\$46,956	\$45,368
Yes	Management	\$156,280	\$150,995
Yes	Performance Bases Fee:		
	On Time Performance	\$39,518	\$38,182
	Customer Satisfaction	\$39,518	\$38,182
	Subtotal fees	\$282,272	\$272,727
	Sub Total /Operator expenses	\$2,944,151	\$2,468,417
	City cost	\$534,339	\$790,731
	Gross cost	\$3,478,489	\$3,259,148
	Less 7:40/7:50 run	\$45,894	N/A
	Net budget	\$3,432,596	\$3,259,148
	REVENUE	\$3,432,596	N/A

(1) Assumes wage and benefits freeze.

(2) Includes \$17,000 of Measure B as local match for RM-1 2% Peralta D-check grant.

(3) Includes Lube Oil

(4) Assumes 341,000 gallons @\$2/gallon.

(5) Assumes 10% increase.

(6) Back-Up boats.

(7) Printing, SBC ticket sales, CARS.

(8) Landing fees paid to Port of SF for Pier 39/41 based on 7% of farebox and B&GF Mgmt fees.

Table 2 – City AOFS Costs

City Expenses

ITEM	FY '05/06	FY '04/05
Operations:		
Docking fees:		
Ferry Bldg.	\$36,000	\$36,000
SBC Park (Giants)	900	800
MUNI	\$11,075	18,000
Marketing	\$82,940	90,000
Administration:		
City Admin (1)	\$89,700	\$150,000
MTC SRTP(2)	\$2,591	\$0
Audit	\$4,000	\$4,000
Office supplies	\$2,658	\$2,660
Surveys	\$6,439	\$6,000
Subtotal	\$236,303	\$307,460
Reserves:		
Long Term Vessel Maintenance Reserve:		
Encinal	\$0.00	\$50,000
Peralta	\$0.00	\$50,000
Operations Contingency	\$205,000	\$275,255
subtotal reserves	\$205,000	\$375,255
Main Street terminal:		
Facility Security Officer (Main St.)	\$0	\$15,180
Utilities (Main St.)	\$200	\$5,000
Barge (Main St.) Reserve	\$0	\$0
Main St Maintenance	\$9,836	\$9,836
Main Street Patrol Guard	\$78,000	\$78,000
Contingency	\$5,000	\$0
subtotal Main Street	\$93,036	\$108,016
Total	\$534,339	\$790,731

- (1) 3/4 of a \$92,000/yr staff position.
- (2) Short Range Transit Plan required for RM1 Funding

Table 3 Combined Ferry Services Revenue/
Public funding and Farebox Revenue

Revenue

Source	Total	AHBF	AOFS
Farebox (1) (2)	\$2,302,875	\$484,000	\$1,741,568
MTC RM1-5%	\$1,471,102	\$450,000	\$1,021,102
Measure B '04/05 revenue	\$731,000	\$144,400	\$586,600
Measure B reserve ('03/04)	\$0	\$0	\$0
Port of Oakland	\$83,325	\$0	\$83,325
TIF:			\$0
Ferry operations	\$186,900	\$186,900	\$0
HB terminal	\$30,500	\$30,500	\$0
Subtotal TIF	\$217,400	\$217,400	\$0
Total	\$4,805,702	\$1,295,800	\$3,432,959

(1) HBM: assumes 106,373 riders @\$4.55 each.

(2) AOFS: Assumes a 2% increase over '04/05 at an average fare of \$4.29 per ticket. Assumes that Fuel Surcharge is made permanent.

Table 4

AOFS

Farebox Recovery Ratio

Total expenses	\$3,432,959
Less reserve accounts & contingency	\$245,000
subtotal operations	\$3,264,902
Farebox	\$1,741,568
FRR	53.9%

CITY OF ALAMEDA

MEMORANDUM

Date: June 1, 2005

To: Honorable Mayor and
Councilmembers

From: William C. Norton
Acting City Manager

Re: Recommendation to Adopt a Resolution to Approve the Paratransit Service Plan and
Apply for Measure B Paratransit Funding

BACKGROUND

The Americans With Disabilities Act (ADA) requires transit agencies to offer equivalent paratransit service for persons certified under ADA as unable to drive or take public transit (eligible users). There is a 21-day certification period for a person to be deemed an ADA eligible user. Under ADA, paratransit services must be made available to eligible users within three-fourths ($\frac{3}{4}$) mile of the existing transit fixed route during the normal operating hours of the fixed route services (mandated services). While most of Alameda is within the three-fourths ($\frac{3}{4}$) mile buffer of AC Transit routes, there are some service gaps, including locations that are without bus service on weekends or at certain times of day. Alameda provides paratransit services to address these service gaps, even though they are not required by ADA (non-mandated services). Non-mandated paratransit services are administered at the City level.

In Alameda County, Measure B Sales Tax Funds provide a dedicated funding source for both mandated and non-mandated paratransit services. To receive these funds, the Alameda County Transportation Improvement Authority (ACTIA), which administers Measure B funds, requires each jurisdiction to develop a Paratransit Service Plan. The Paratransit Service Plan must also be approved by the ACTIA Board.

DISCUSSION/ANALYSIS

The Plan includes the following:

- Utilize East Bay Paratransit (EBP), the County paratransit provider, for ADA mandated services.
- Continue a limited subsidized taxi service for eligible users who need to travel to and from destinations outside the EBP service area on weekends, holidays or evenings and ADA applicants who need to travel for non-emergency medical trips during the 21-day certification review period.
- Increase the number of EBP coupons distributed to eligible users residing in Alameda.
- Provide EBP service for Alameda residents during the 21-day ADA certification period.

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- Continue the customer service and outreach at Mastick Senior Center, which provides 15 hours of staff time per week to assist with applications for paratransit services, answer questions, and resolve complaints.
- Continue funding support for group trips such as the Mastick Group Trip, subscription group trips from convalescent homes, Alameda Recreation & Park Department (ARPD) cultural event class trips, and the Annual Nursing Home Picnic Group Trip.
- Continue funding for a scholarship program for individuals at very low income levels (as defined by the United States Department of Housing and Urban Development), the program will subsidize tickets by providing matching funds.

Staff will also be soliciting input from paratransit riders and other local jurisdictions to identify ways to enhance the existing services. A copy of the Paratransit Service Plan is on file in the City Clerk's Office.

BUDGET CONSIDERATION/FINANCIAL ANALYSIS

Without an approved Paratransit Service Plan, the City would forfeit its Measure B Paratransit funding level for Fiscal Year 05/06 of \$138,102. Applying for these funds does not affect the General Fund.


MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

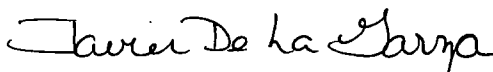
The City's Paratransit Program is consistent with the General Plan Transportation Element Guiding Policy 4.3.h.

RECOMMENDATION

The Acting City Manager recommends that the City Council, by motion, adopt a resolution to approve the Paratransit Service Plan and apply for Measure B Paratransit funding.

Respectfully submitted,


Matthew T. Naclerio
Public Works Director


By: Javier De La Garza *by gc*
Program Specialist I

MTN:JDLG:gc

cc: Measure B Watchdog Committee
Jackie Krause, Mastick Senior Center

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CITY OF ALAMEDA RESOLUTION NO. _____

APPROVING THE PARATRANSIT SERVICE PLAN
AND APPLYING FOR MEASURE B PARATRANSIT FUNDING

WHEREAS, the Americans with Disabilities Act (ADA) requires that equivalent paratransit service be provided within three-fourth ($\frac{3}{4}$) mile and during the regular operating hours of fixed route transit services for those who are determined eligible for such services; and

WHEREAS, there are parts of the City of Alameda that are not served by the ADA-mandated paratransit services for at least part of the week; and

WHEREAS, the City of Alameda receives an allocation from Measure B sales tax revenue, administered by the Alameda County Transportation Improvement Authority (ACTIA), to provide paratransit services to supplement ADA-mandated services; and

WHEREAS, to receive its annual allocation, the City must have a Paratransit Service Plan approved by ACTIA; and

WHEREAS, the City will continue to implement the 2004/2005 adopted Measure B Paratransit Service Plan developed via a community involved needs assessment process;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Alameda adopts the Measure B Paratransit Service Plan and apply for Fiscal Year 2004/2005 Measure B Paratransit Funds.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in regular meeting assembled on the 7th day of June 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 7th day of June 2005.

Lara Weisiger, City Clerk
City of Alameda

Resolution # 4-H CC
6-7-05

Approved as to Form

CITY ATTORNEY

CITY OF ALAMEDA MEMORANDUM

Date: May 25, 2005

To: Honorable Mayor and
Councilmembers

From: William C. Norton
Acting City Manager

Re: Resolution Authorizing Open Market Purchase from COGENT
Systems Inc., Pursuant to Section 3-15 of the Alameda City
Charter, of an Automated Latent Finger/Palm Print System
Upgrade in the amount of \$37, 815. (Requires Four Affirmative
Votes)

BACKGROUND

In April of 2001, the Alameda Police Department became the first Law Enforcement Agency in Northern California to adopt the COGENT combination latent finger and palm print system. Since that time, the City of Alameda has compiled the largest palm print database in Northern California. The original purchase and integration of the COGENT system into the police department's criminal identification bureau cost approximately \$40,000.00.

Since the advent of COGENT, the Alameda Police Department has made over one thousand latent finger/palm print matches identifying suspects in criminal cases. This is more criminal identifications than all other law enforcement agencies in Alameda County combined.

The Alameda Police Department's COGENT automated finger/palm print system currently needs to be upgraded to continue its viability. The cost of this upgrade is \$37,815.00.

DISCUSSION/ANALYSIS

The COGENT system will reach its storage capacity for finger and palm prints within six months. Also, the existing COGENT system does not currently have the server capability to interact with other law enforcement agencies' latent finger/palm print databases. A manufacturer's upgrade to the police department's COGENT system would not only provide unlimited storage capacity, but would also add the capability to access the latent finger/palm print databases of other law enforcement agencies.

At the current time, the Federal Bureau of Investigation, and the California Department of Justice, are exploring the adoption of the COGENT system. Law enforcement agencies which have already adopted the COGENT system include the Department of Homeland Security, the Secret Service, and the Department of Immigration and Naturalization. Los Angeles, Contra Costa, Marin, Sonoma, Fresno, San Joaquin, Santa Cruz, and Stanislaus counties are all in the process of adopting COGENT, as well as a number of Alameda County agencies.

The City's purchasing policy requires that materials estimated to cost more than \$25,000 must first be approved by City Council. The purchasing policy also requires that the purchase be sent out for formal competitive bid. However, the COGENT system is proprietary to the manufacturer and cannot be purchased elsewhere. City Charter section 3-15 permits Council to authorize the purchase without the competitive bid process when the object of the expenditure is unique and no advantage would be realized by attempting to bid out the purchase contract and, therefore, the lowest price available would be through open market purchase directly from the manufacturer, COGENT Systems, Inc.

FINANCIAL IMPACT

There is no financial impact to the General Fund. Funds for the purchase of the COGENT system upgrade, in the amount of \$37, 815, are available in the FY 03-04 State COPS Grant.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

Not applicable.

RECOMMENDATION

The City Manager recommends adoption of a resolution authorizing the open market purchase from COGENT Systems Inc., pursuant to section 3-15 of the Alameda City Charter, of an automated latent finger/palm print system upgrade in the amount of \$37, 815. (Requires four affirmative votes)

Respectfully submitted,

William C. Norton
Acting City Manager

By: 
Burnham E. Matthews
Chief of Police

WCN/BEM/sml

CITY OF ALAMEDA RESOLUTION NO. _____

AUTHORIZING OPEN MARKET PURCHASE FROM
COGENT SYSTEMS, INC.

PURSUANT TO SECTION 3-15 OF THE ALAMEDA CITY CHARTER
OF COGENT AUTOMATED PALM/FINGERPRINT IDENTIFICATION
SYSTEM UPGRADE (CAPFIS) IN THE AMOUNT OF \$37,815.

WHEREAS, there are funds available in the FY 2003-2004 State COPS Grant,
Project# 9300204; and

WHEREAS, the "COGENT CAPFIS UPGRADE" is a unique piece of latent
fingerprint identification equipment, can only be purchased from COGENT Systems, Inc.
and the purchase price of \$37,815.00 is the lowest price available; and

WHEREAS, section 3-15 of the City Charter provides that City Council, by four
affirmative votes, can authorize an open market purchase if it determines that the
materials or supplies can be purchased at a reasonable and lower price in the open
market.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of
Alameda, pursuant to Section 3-15 of the City Charter, the Alameda Police Department,
in cooperation with the Finance Director, is hereby authorized to purchase the "COGENT
CAPFIS UPGRADE" and associated peripherals from COGENT Systems, Inc., the
exclusive distributor of the "COGENT CAPFIS UPGRADE".

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly
adopted and passed by the Council of the City of Alameda in regular meeting assembled
on the _____ day of _____, 2005 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of
said City this _____ day of _____, 2005.

Lara Weisiger, City Clerk
City of Alameda

Resolution # 4-I CC
6-7-05

Approved as to Form

CITY ATTORNEY

CITY OF ALAMEDA MEMORANDUM

Date: May 31, 2005

To: Honorable Mayor
And Council Members

From: William Norton
Acting City Manager

RE: Adoption of Agreement for Participation in the Alameda County
Operational Area Emergency Management Organization.

BACKGROUND

As a result of the 1991 East Bay Hills firestorm, State Senator Nicholas Petris sponsored legislation that establishes a standardized emergency management system, or SEMS, in California. An important component of SEMS is the Operational Area, defined as:

An intermediate level of the state emergency services organization consisting of a county and all political subdivisions within the county area [California Government Code, § 8559 (b)].

State regulations also assigned responsibility for developing the Operational Area Emergency Management Organization to the local board of supervisors.

DISCUSSION/ANALYSIS

In January 1995, the Alameda County Board of Supervisors accepted the recommendation to form a task force to implement an Operational Area in Alameda County. Herewith is the agreement developed by the task force and now adopted by the Board of Supervisors. It establishes a cooperative effort with the following features:

- A partnership for exchanging disaster intelligence, mutual aid requests, and resource requests in emergencies;
- Allows for cooperative training and exercise;
- No monetary compensation is required of participants to be members of the new organization;

- The State's SEMS regulations and guidelines will guide the policies and procedures of the new organization;
- The Sheriff/Director of Emergency Services is the Operational Area Coordinator responsible for assuring the representation of all affected jurisdictions in decision-making before, during, and after a disaster occurs; and
- A representational OpArea Council is established to review and approve policies and procedures for the new organization and serve as Alameda County's Civil Defense and Disaster Council.

The 1989 Loma Prieta earthquake, the 1994 Northridge earthquake, the quake in Kobe, Japan, and most recently the tsunami in Asia, are all reminders of our shared hazard potential. The 1991 firestorm demonstrated that inter-jurisdictional cooperation is crucial to the successful response to disasters. The El Nino storms of 1995 and 1998 have shown us that inter-agency coordination is as important to disaster recovery as it is to the initial response. The cities, special districts, and county agencies must plan and prepare for when disaster next hits Alameda County. Continued participation in the Operational Area Emergency Management Organization is a key step toward that goal.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

Not applicable.

FINANCIAL IMPACT

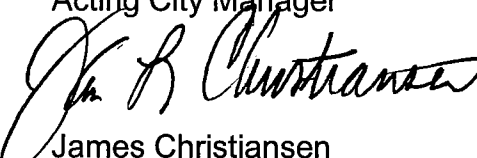
There is no financial impact to adopting this agreement.

RECOMMENDATION

It is recommended that Council adopt by resolution the Agreement For Participation in the Alameda County Operational Area Emergency Management Organization.

Respectfully submitted,

William Norton
Acting City Manager


By: James Christiansen
Fire Chief

Attachment

**AGREEMENT FOR PARTICIPATION
IN ALAMEDA COUNTY
OPERATIONAL AREA
EMERGENCY MANAGEMENT ORGANIZATION**

This Agreement is made this 10th day of February, 2005, by and between the County of Alameda and the cities, special districts, and other public benefit non-profit corporations that are parties to this Agreement.

WHEREAS, the potential for a major catastrophe due to natural or manmade disaster requires all government entities within Alameda County to be prepared to share resources and information among themselves as well as with the State of California in order to protect public welfare; and

WHEREAS, greater efficiency and disaster preparedness, response, recovery, and mitigation can be achieved by joining the efforts of the County of Alameda, the Cities, Special Districts, and other public benefit non-profit corporations together in pre-disaster agreements; and

WHEREAS, the California Emergency Services Act makes reference to the "operational area" and defines it as "an intermediate level of the state emergency services organization" created to perform extraordinary functions for local governments within a county area such as strengthening mutual coordination, providing a focal point and conduit for disaster information, and assisting in the efficient management of resources;

THE COUNTY, CITIES, SPECIAL DISTRICTS, AND OTHER PUBLIC BENEFIT NON-PROFIT CORPORATIONS AGREE AS FOLLOWS:

1. RECOGNITION OF AND PARTICIPATION IN AN OPERATIONAL AREA EMERGENCY MANAGEMENT ORGANIZATION

The parties to this Agreement recognize an Operational Area, as the term is defined in the California Emergency Services Act (California Government Code §8550 *et seq.*) which designates an intermediate level of organization, cooperation, and planning between public entities within Alameda County boundaries.

The County of Alameda, cities, special districts, and other public benefit non-profit corporations that are parties to this Agreement shall participate in this organizational structure which is a partnership for a systematic approach for exchanging disaster intelligence, mutual aid requests, and resource requests in emergencies and also to provide emergency preparedness on a day-to-day basis through cooperative training and exercise activities.

The Operational Area Emergency Management Organization will be the primary contact point during an emergency in Alameda County for sharing disaster intelligence among local agencies and between the Operational Area Emergency Management Organization and state and federal agencies requesting information.

The Operational Area Emergency Management Organization will assist parties to this agreement share resources before, during, and after an emergency to prepare, respond, and recover from disasters that strike Alameda County. The Operational Area Emergency Management Organization will prioritize competing needs according to the policies and procedures approved by the Operational Area Council.

C-2005-32

Each of the parties to this Agreement will designate individuals to be trained to represent their agency in the Operational Area Emergency Management Organization. The training will be an orientation on the policies and procedures of the Operational Area Emergency Management Organization. Each party to this Agreement will also designate, in writing, a line of succession of officials who are empowered to represent the party to the Operational Area Emergency Management Organization.

2. CONSIDERATION

The consideration under this Agreement is the mutual advantage of protection afforded to each of the parties to this Agreement. There shall not be any monetary compensation required from any to another party as a condition of assistance provided under the agreement, except for reimbursement of direct costs as designated in mutual aid agreements. Nothing in this agreement shall be construed as altering any pre-existing disaster response agreements between the parties.

3. STANDARDIZED EMERGENCY MANAGEMENT SYSTEM

The Operational Area Emergency Management Organization and its policies and procedures will be regulated by the Standardized Emergency Management System as stated in *California Government Code §8607*, and its implementing regulations, *California Code of Regulations, Title 19, Division 2, Office of Emergency Services, Standardized Emergency Management System*, and guidelines. The incident command system and a multi-agency coordination system, as described in those regulations and guidelines, will be used for coordination and direction of the parties to this agreement participating in emergency efforts. The *Alameda County Emergency Operations Plan* shall be the primary method and criteria used to conduct Operational Area Emergency Operations Center activities.

4. OPERATIONAL AREA COORDINATOR

The Sheriff/Director of Emergency Services is the Operational Area Coordinator. It is the responsibility of the Operational Area Coordinator to oversee the operation of the Operational Area Emergency Management Organization and to reasonably interpret the terms of this agreement.

It is the responsibility of the Operational Area Coordinator to encourage equal representation by parties to the agreement on a day-to-day basis and to include representatives of affected parties to this agreement and mutual aid coordinators in the operational decision making before, during, and after a disaster strikes Alameda County.

5. COUNCIL

An Operational Area Council is hereby established consisting of a representational membership of the party jurisdictions to this Agreement. The Council shall include one voting representative from each of the following:

- a. The President of the **Board of Supervisors**, or his/her designee;
- b. The **Sheriff/Director of Emergency Services**, or his/her designated alternate;
- c. The **Alameda County Administrator**, or his/her designated alternate;
- d. The **County Agency Heads** having primary functional responsibilities in a disaster, or their designated alternates;

- e. The President of the **Emergency Managers' Association of Alameda County**, or his/her designated alternate;
- f. The President of the **Alameda County Fire Chiefs' Association**, or his/her designated alternate;
- g. The President of the **Alameda County Sheriff and Police Chiefs' Association**, or his/her designated alternate;
- h. A City Manager of a **North County City**, or his/her designated alternate, chosen annually by the cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont to represent them in the Council;
- i. A City Manager of a **South County City**, or his/her designated alternate, chosen annually by the cities of Fremont, Hayward, Newark, San Leandro, and Union City to represent them in the Council;
- j. A City Manager of an **East County City**, or his/her designated alternate, chosen annually by the cities of Dublin, Livermore, and Pleasanton to represent them in the Council;
- k. A General Manager of a **Regional District** based in Alameda County, or his/her designated alternate, chosen annually by participating regional districts, defined as a special district having service areas in more than one county, to represent them in the Council;
- l. A General Manager of a **Special District**, or his/her designated alternate, chosen annually by participating special districts having their entire service area within the boundaries of Alameda County to represent them in the Council;
- m. The **Alameda County Superintendent of Schools**, or his/her designated alternate, to represent the school districts of Alameda County;
- n. A Director of a **Public Benefit Non-profit Corporation**, or his/her designated alternate, chosen annually by the Collaborating Agencies Responding to Disasters to represent them in the Council;
- o. A Chief Executive Officer or Present, or his/her designated alternate, or his/her designee, of a **private sector company** doing business in this county that is an active member of the Emergency Managers' Association of Alameda County and is selected annually by the Sheriff/Director of Emergency Services; and
- p. Such representatives of **other organizations**, either civic, business, labor, veterans, professional or other organizations having an official group or organization having disaster responsibility and may be appointed by the Operational Area Coordinator.

It is the responsibility of the Operational Area Council to set the policies and procedures for the governing of the Operational Area Emergency Management Organization and to review and approve recommendations for changes to these policies and procedures on an annual basis. The Operational Area Council will also serve as the Alameda County Civil Defense and Disaster Council, as described in the *Alameda County Administrative Code, Chapter VI*. The County of Alameda will supply staff support for the Operational Area Council.

6. PROVISION OF FACILITIES AND SUPPORT

The County of Alameda shall provide its emergency operations center as the site for the Operational Area Emergency Management Organization. The County of Alameda will provide support staff for the emergency operations center and all reasonable supplies for the Operational Area Emergency Management Organization during actual activations, drills, and exercises. All parties to this Agreement may provide representatives for decision making and liaison to operational elements of the Operational Area Emergency Management Organization when activated.

The Operational Area Emergency Management Organization will facilitate the mutual aid systems used by local agencies to assist each other in a disaster with the resources necessary to save lives, mitigate property loss, and meet the basic needs of the people.

7. TERM OF AGREEMENT

This Agreement shall be effective from the date executed by all parties until December 31, 2015. This Agreement may be terminated prior to the conclusion of the term by mutual agreement of a majority of the member parties.

8. WITHDRAWAL OF PARTY

Any party to this Agreement may withdraw as a party to this Agreement prior to the termination of the term of this Agreement upon giving thirty (30) days prior written notice to all other parties.

9. ADDITIONAL PARTIES

Additional parties, who are public entities within the geographical boundaries of Alameda County, may join in this Agreement and become a member party upon execution of an Exhibit to this Agreement in which the entity agrees to be subject to the conditions and terms of this Agreement. The executed Exhibit shall become a part of this Agreement automatically after the expiration of thirty (30) days following notification by the new party to all other parties to the execution of the exhibit. Thereafter, the entity shall be considered to be a party of this Agreement unless the entity withdraws as provided herein. Provided however, in the event any existing party to the Agreement gives all other parties notice of its objection to the addition of the particular entity becoming a member to this Agreement within the thirty (30) day notice period, the addition of such party to this Agreement shall require the consent of a two-thirds majority to the then member parties.

10. INDEMNIFICATION AND HOLD HARMLESS

Each of the parties agree to indemnify and hold the other parties harmless and waives all claims for compensation for any loss, damage, personal injury, or death incurred in consequences of the acts or omissions of the indemnifying parties' own employees and agents in the performance of this Agreement.

11. SALARIES, EMPLOYMENT AND WORKERS COMPENSATION BENEFITS

The salaries, employment and workers compensation benefits of each employee participating in the Operational Area Emergency Management Organization shall be the responsibility of the party employing the individual. It is understood that each party's employees have no rights, benefits, or special employment status conferred by reason of this agreement.

IN WITNESS WHEREOF THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT AS FOLLOWS:

COUNTY OF ALAMEDA, a
political subdivision of the
State of California

By Keith Carson
KEITH CARSON, President
Board of Supervisors

I hereby certify under penalty of perjury that the President of the Board of Supervisors was duly authorized to execute this document on behalf of the County of Alameda by a majority vote of the Board on February 15, 2005; and that a copy has been delivered to the President as provide by Government Code section 25103.

ATTEST: CRYSTAL K. HISHIDA
Clerk, Board of Supervisors
Alameda County, California

By R. Bailey, Deputy

APPROVED AS TO FORM AND CONTENT:

RICHARD E. WINNIE

County Counsel

By Wayne Foster
County Counsel

BETH KILIAN
County Risk Manager

By Beth Kilian
County Risk Manager

CITY OF ALAMEDA RESOLUTION NO. _____

ADOPTING AN AGREEMENT FOR PARTICIPATION IN ALAMEDA
COUNTY OPERATIONAL AREA EMERGENCY MANAGEMENT
ORGANIZATION

Approved as to Form

CITY ATTORNEY

WHEREAS, the potential for a major catastrophe due to natural or human-caused disaster causes all government entities within Alameda County to be prepared to share resources and information among themselves as well as with the State of California in order to protect public welfare; and

WHEREAS, greater efficiency and disaster preparedness, response, recovery, and mitigation can be achieved by joining the efforts of the County of Alameda, other cities, special districts, and other public benefit non-profit corporations together in pre-disaster agreements; and

WHEREAS, the California Emergency Services Act makes reference to the "operational area" and defines it as "an intermediate level of the state emergency services organization" created to perform extraordinary functions for local governments within a county area such as strengthening mutual coordination, providing a focal point and conduit for disaster information, and assisting in the efficient management of resources;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Alameda that the City adopt the Agreement for Participation in Alameda County Operational Area Emergency Management Organization, as it was approved by the Alameda County Board of Supervisors on February 15, 2005; and

BE IT FURTHER RESOLVED by the Council of the City of Alameda that the City Manager designate, in writing, the following:

- 1) Three persons who will be providing training and orientation to the policies and procedures so that they may represent the City to the Operational Area Emergency Management Organization; and
- 2) A line of succession of officials (minimum of three persons) who are empowered to represent the City to the Operational Area Emergency Management Organization; and

BE IT FURTHER RESOLVED, that the City Manager provide these two lists to the Alameda County Operational Area Emergency Management Organization within thirty (30) days of adoption of this resolution.

* * * * *

Resolution # 4-J CC
6-7-05

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2005, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this _____ day of _____, 2005.

Lara Weisiger, City Clerk
City of Alameda

**CITY OF ALAMEDA
MEMORANDUM**

Date: May 9, 2005

To: Honorable Mayor
and Council members

From: William Norton
Acting City Manager

RE: Adoption of Resolution To Designate All Alameda Fire Stations As
Receiving Points For Surrendered Babies Under The California
State Health And Safety Code Section 1255.7, Known As The
Safely Surrender Baby Law.

BACKGROUND

The Safely Surrendered Baby Law, also known as the Safe Haven or Newborn Abandonment Law, went into effect January 1, 2001 and authorizes the Alameda County Board of Supervisors to designate locations where newborns (less than 72 hours old) may be confidentially surrendered, by a parent or guardian having lawful custody of the infant, without fear of criminal prosecution. The use of fire stations as drop off locations for newborns is part of a statewide effort to end tragic consequences of infant abandonment.

Until now, County protocol only allowed for Safe Haven surrender at Hospital Emergency Departments. However, in light of recent tragedies involving abandoned infants the Alameda County Board of Supervisors passed a resolution on January 22, 2005, which approves all Alameda County Fire Stations as California Safe Havens. It is now up to each City within the County to pass a local resolution authorizing the Fire Stations within the individual City to become a designated location for surrendering newborns.

DISCUSSION/ANALYSIS

The Alameda County Social Services Agency in conjunction with the Alameda County Fire Chiefs Association and Senator Perata's staff have been working collaboratively to identify and coordinate the implementation of the program county-wide. This included development of standardized procedures, public education materials and outreach. The Alameda County Fire Chiefs Association has developed a guideline that outlines the steps to be taken by fire personnel at

the stations when a newborn is surrendered to them (see attached). The County Social Services Agency will provide the city the appropriate standardized signage for the fire stations, the newborn safe surrender kits, and coordinate with city public information staff in developing a public awareness and media campaign.

Once the Safe Haven program is adopted and fully operational, infants will be able to be left with fire personnel at any fire station in the City. These infants will be assessed and transported to the appropriate receiving facility where custody will be transferred to appropriate hospital personnel. A medical questionnaire and information about the program will be provided to the surrendering guardian. The City's responsibility will be to accept the child, provide any necessary medical intervention and arrange for immediate transfer to the appropriate hospital, providing the responsible surrendering person with the newborn medical questionnaire, fact sheet and coded wrist bracelet.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

Not applicable.

FISCAL IMPACT


The fiscal impact of the proposal is negligible, as the Safe Surrender kits and signage are given to the City by the County. There will be a small training/familiarization component that can be completed through the normal fire department training schedule.

RECOMMENDATION

The Acting City Manager recommends that the City Council adopt the resolution establishing the Fire Stations within the City of Alameda as approved locations where newborns can be dropped off.

Respectfully submitted,

William C. Norton
Acting City Manager


By: James Christiansen
Fire Chief

Attachment: Alameda County Fire Chiefs Recommended Procedures.

ALAMEDA COUNTY FIRE CHIEFS ASSOCIATION

PROCEDURES FOR ACCEPTING A NEWBORN UNDER THE CALIFORNIA SAFE HAVEN LAW

The Alameda County Fire Chiefs Association, in an effort to provide a standardized approach to receiving a newborn, has developed this guideline for Fire Departments within the County.

PROCEDURES:

1. Welcome the parent or person surrendering the infant. Do not be judgmental as this is an emotional and difficult time for the person.
2. Contact dispatch to place the Company on a medical aid incident at the station, communicate the nature of the call, and request a Code 2 Transport ambulance response where appropriate.
3. Attempt to ascertain if the infant's birth is within 72 hours. Accept the infant (even if it appears older than 72 hours) and begin to assess for any medical needs, filling out a County Patient Care Report. If there is evidence of abuse, request the appropriate law enforcement agency response.
4. Locate and open the Newborn Safe Surrender Kit. Hand the surrendering person the inner business reply mail envelope containing the voluntary Safe Haven medical questionnaire, an information sheet and a copy of the coded, confidential bracelet.
5. Place the smaller, coded, confidential ankle bracelet on the infant and record the code on the County Patient Care Report.
6. Once on scene, the Transport paramedics shall assume custody of the infant, initiate base hospital contact, and continue to assess and provide for any medical needs of the infant.
7. The infant will then be transported to the nearest receiving hospital where custody and pertinent paperwork will be given to the hospital.
8. After the newborn has been transported, the station can go back in service and complete and submit the County Patient Care Report through the Department's normal channels to the County.

CITY OF ALAMEDA RESOLUTION NO. _____

DESIGNATING ALL ALAMEDA FIRE STATIONS AS RECEIVING
POINTS FOR SURRENDERED BABIES UNDER THE CALIFORNIA
STATE HEALTH AND SAFETY CODE SECTION 1255.7, KNOWN AS
THE SAFELY SURRENDERED BABY LAW

Approved as to Form
[Signature]
CITY ATTORNEY

WHEREAS, the State Legislature has enacted Health and Safety Code §1255.7 which allows any person having lawful custody of a minor child 72 hours old or younger to surrender physical custody of the child to an employee at a location designated by the Board of Supervisors; and

WHEREAS, the City of Alameda Fire Department is desirous of having its Fire Station Nos. 1, 2, 3, 4, and 5 so designated; and

WHEREAS, such designation is for the benefit of children and the community because it will provide a safe haven to newborns who are 72 hours old or younger;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Alameda as follows:

Section 1. That Fire Station Nos. 1, 2, 3, 4, and 5 of the Alameda Fire Department may be designated by Alameda County as locations which may accept newborns who are 72 hours old or younger from a person who has lawful custody of the child.

Section 2. The City Manager is authorized to request that the Board of Supervisors for Alameda County designate the Alameda Fire Station Nos. 1, 2, 3, 4, and 5 in the City of Alameda as locations which may accept newborns who are 72 hours old or younger from a person who has lawful custody of the child.

Section 3. The City Manager is authorized to execute any documents which are necessary to effectuate this designation and which are consistent with this Resolution.

Section 4. That the City Clerk shall certify to the passage and adoption of this Resolution; shall cause the same to be entered among the original resolutions of the City of Alameda; and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of the City of Alameda in the minutes of the meeting at which the same is passed and adopted.

* * * * *

Resolution # 4-K CC
6-7-05

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2005, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this _____ day of _____, 2005.

Lara Weisiger, City Clerk
City of Alameda

**CITY OF ALAMEDA
MEMORANDUM**

Date: May 25, 2005

To: Honorable Mayor and
Councilmembers

From: William C. Norton
Acting City Manager

Re: Adoption of Resolution Requesting and Authorizing the County of Alameda to Levy a Tax on All Real and Personal Property in the City of Alameda as a Voter Approved Levy for the General Obligation Bonds Issued Pursuant to a General Election held November 7, 2000

BACKGROUND

On November 7, 2000, the voters of Alameda overwhelmingly passed Measure "O". Measure "O" authorized the issuance of bonds in the amount not to exceed \$10,600,000 (the "Bonds") to finance the acquisition, construction and completion of a new Main Library facility and improvements to two branch library facilities in the City of Alameda (the "Project").

The City received the final grant award in December 2002 in the amount of \$15,487,952. In March, 2003 the City sold \$10,600,000 in general obligation bonds.

DISCUSSION/ANALYSIS

Measure "O" set the maximum tax rate at \$15/\$100,000 of assessed valuation over 30 years. The required tax rate for 2005-2006 is \$8.78/\$100,000 of assessed valuation down from the \$9.80/\$100,000 levied for the 2004-2005 fiscal year.

BUDGET/FISCAL IMPACT

There is no impact to the general fund. Debt service for the \$10,600,000 general obligation bonds will be paid from this tax levy on all real and personal property in Alameda of \$8.78/\$100,000 of assessed value.

ALAMEDA MUNICIPAL CODE/POLICY DOCUMENT REFERENCE

This action is in conformance with the Alameda Municipal Code and all policy documents.

Dedicated to Excellence, Committed to Service

**Re: Reso 4-L CC
6-7-05**

RECOMMENDATION

The Acting City Manager recommends the Council adopt a resolution requesting and authorizing the County of Alameda to levy a tax on all real and personal property in the City of Alameda as a voter approved levy for the General Obligation Bonds issued pursuant to a general election held November 7, 2000.

Respectfully submitted

William C. Norton
Acting City Manager


By: Juelle-Ann Boyer
Chief Financial Officer

JB:dl

Attachment: Tax Rate Per Assessed Valuation

G:\FINANCE\COUNCIL\2005\051705\LibraryBondReso05.doc

CITY OF ALAMEDA RESOLUTION NO. _____

REQUESTING AND AUTHORIZING THE COUNTY OF ALAMEDA
TO LEVY A TAX ON ALL REAL AND PERSONAL PROPERTY IN
THE CITY OF ALAMEDA AS A VOTER APPROVED LEVY FOR
THE GENERAL OBLIGATION BONDS ISSUED PURSUANT TO A
GENERAL ELECTION HELD NOVEMBER 7, 2000

WHEREAS, on November 7, 2000, voters of Alameda overwhelmingly passed Measure "0", authorizing the issuance of bonds in the amount not to exceed \$10,600,000 (the "Bonds") to finance the acquisition, construction and completion of a new Main Library facility and improvements to two branch facilities in the City of Alameda (the "project"); and

WHEREAS, the City of Alameda received a final grant award in December, 2002 in the amount of \$15,487,952; and

WHEREAS, Resolution No. 13563, adopted by the City Council on March 4, 2003, authorized and directed the sale of not to exceed \$10,600,000 aggregate principal amount of City of Alameda, California General Obligation Bonds; and levying an *ad valorem* tax; and

WHEREAS, for the purpose of paying the principal of and interest on the Bonds, the City of Alameda must authorize the County of Alameda to levy and collect annually each year an *ad valorem* tax in an amount sufficient to pay principal and interest on the bonds; and

WHEREAS, Measure "0" set the maximum tax rate at \$15/\$100,000 of assessed valuation over 30 years; and

WHEREAS, the required tax rate for 05-06 is \$8.78/\$100,000 of assessed valuation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Alameda hereby authorizes the County of Alameda to levy a tax on all real and personal property in the County of Alameda as a voter-approved levy for the General Obligation Bonds issued pursuant to the General Election held November 7, 2000.

BE IT FURTHER RESOLVED by the City Council of the City of Alameda that the debt service for the \$10,600,000 general obligation bonds will be paid from a tax levy on all real and personal property in Alameda of \$8.78 per \$100,000 of assessed value for 2005-06.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2005, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this _____ day of _____, 2005.

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA RESOLUTION
COMMENDING ALAMEDA POLICE DEPARTMENT OFFICER
FRANK DAMIAN
FOR HIS CONTRIBUTIONS TO THE CITY OF ALAMEDA

THE COUNCIL OF THE CITY OF ALAMEDA records its appreciation for the years of service faithfully rendered by OFFICER FRANK DAMIAN for the City of Alameda; and

WHEREAS, FRANK DAMIAN had a 27-year law enforcement career which began in 1978 when he joined the Department of Corrections; and

WHEREAS, FRANK DAMIAN obtained an Associates degree in Engineering from the University of Texas in 1976; and

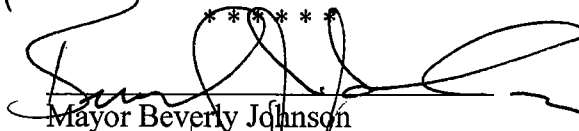
WHEREAS, FRANK DAMIAN's career with the Alameda Police Department spanned from August 6, 1982 until present and included the following assignments: Patrol Division, DUI Enforcement, Special Duty Unit, Property Crimes, and Personnel and Training; and

WHEREAS, FRANK DAMIAN has made the following significant contributions to the City of Alameda: Officer Damian has received forty-five personnel commendations during his twenty-three years with the Alameda Police Department including four specific to the Loma Prieta earthquake in 1989; and one for attempting to save a person in a burning residence; he received the "Alameda Hero Award" this year for prevention of a suicide and saving a life; and

WHEREAS, FRANK DAMIAN, upon retirement, plans to move to Gardnerville, Nevada where he intends to enjoy the life of rest and relaxation; and

WHEREAS, on June 19, 2005, FRANK DAMIAN will officially retire from his position as Officer for the City of Alameda's Police Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Alameda does hereby congratulate Officer FRANK DAMIAN for his outstanding achievement in his service to the City of Alameda and to the profession of law enforcement.


Mayor Beverly Johnson

Vice Mayor Marie Gilmore

Councilmember Tony Daysog



Councilmember Doug deHaan

Councilmember Frank Matarrese

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

AMENDING THE ALAMEDA MUNICIPAL CODE TO INCREASE THE COMPOSITION OF THE RECREATION AND PARK COMMISSION FROM FIVE TO SEVEN MEMBERS BY AMENDING SUBSECTIONS 2-7.2 (MEMBERSHIP; APPOINTMENT; REMOVAL), 2-7.3 (QUALIFICATION; VOTING) OF SECTION 2-7 (CITY RECREATION AND PARK COMMISSION)

Approved as to Form

CITY ATTORNEY

BE IT ORDAINED by the City Council of the City of Alameda that:

Section 1. Subsection 2-7.2 of the Alameda Municipal Code is hereby amended to read as follows:

2-7.2 Membership; Appointment; Removal.

- a. The Commission shall consist of seven (7) regular members, and (1) ex officio member who shall be the City Manager or his/her designee and who shall not be entitled to vote at any meetings or other proceedings.
- b. The seven (7) regular members shall, upon nomination of the Mayor, be appointed by the City Council. The term of such members shall be for four (4) years and thereafter until the successor of such member is appointed and qualified, and all terms shall begin in October. A vacancy in the office of any such member shall be filled for the unexpired term by appointment in the manner hereinabove set forth.
- c. A regular member may be removed by the affirmative vote of four (4) members of the City Council (Ord. No. 1552 N.S.; Ord. No. 1934 N.S.)

Section 2. Subsection 2-7.3 of the Alameda Municipal Code is hereby amended to read as follows:

2-7.3 Qualification; Voting.

All members of the Commission shall, at the time of their appointment and continuously during their incumbency, be residents of the City. The vote of four (4) regular members shall be necessary for an act of or by the Commission. (Ord. No. 1552; Ord. No. 1934 N.S.)

Section 3. Effective Date. This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

* * * * *

Final Passage of Ordinance #5
6-7-05

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the _____ day of _____, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this _____ day of _____, 2005.

Lara Weisiger, City Clerk
City of Alameda

It is requested that this public hearing be continued to the 6/21/05 City Council agenda. A report will be provided to Council at that time.

**Re: Public Hearing and
Reso 5-C
6-7-05**

CITY OF ALAMEDA
MEMORANDUM

To: Honorable Mayor and
Members of the City Council

From: William C. Norton
Acting City Manager

Date: May 25, 2005

Re: Public Hearing and Adoption of Resolution Confirming the Business Improvement Area Report for FY 2005-06 and Levying an Annual Assessment on the Alameda Business Improvement Area of the City of Alameda for FY 2005-06

BACKGROUND

The Business Improvement Area (BIA) was established in 1989. Fees, based on sales volume, are collected within two Benefits Areas, "A" and "B," with "A" businesses paying slightly higher rates because of their proximity to the retail core. While the basic rate structure for retail and service business in both Benefit Areas has remained the same since inception, some fees do increase annually based on rises in the Consumer Price Index (CPI) for the San Francisco Area. CPI increased fees include: 1) the flat fee assessed non-retail, 2) the fee paid by financial institutions, and 3) the maximum charge in all categories. The City's Finance Department projects no significant BIA revenue increase this coming fiscal year after applying the CPI increase of 1.6 percent.

On May 17, 2005, City Council accepted reports (Attachments A, B and C) regarding proposed FY 2005-06 Business Improvement Area (BIA) assessments and activities, and Council adopted a Resolution of Intention (Attachment D) to Levy an Annual Assessment for FY 2005-06. The Resolution set a public hearing for June 7, 2005 to consider adoption of a Resolution confirming the reports and levying an annual assessment.

DISCUSSION

The Park Street Business Association (PSBA) and West Alameda Business Association (WABA) included affected parties in the process of adopting the proposed activities and budget by holding meetings, which were announced through business association invitations, newsletters and/or personal contact. These efforts led to the approval of the PSBA and WABA BIA budgets by the members in attendance at these meetings.

Notice of the Public Hearing was advertised in a newspaper of general circulation seven days prior to the hearing. The public hearing will give affected parties a final opportunity to comment on the proposed assessment. During or following the public hearing, Council may order changes in the report, including changes in the proposed activities, boundaries or benefit areas. After the hearing, the Council may adopt the Resolution confirming the report as originally filed or as changed. Adoption of the Resolution will constitute the levy of the assessment for FY 2005-06.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

A.M.C. Sec. 6-7 et seq. Also, the renewal of the BIA for another year supports both the goals of the Economic Development Strategic Plan and the Downtown Vision through continued operation of the two business associations.

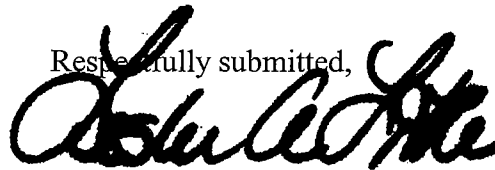
BUDGET CONSIDERATION/FISCAL IMPACT

There is an impact on the General Fund in the form of staff costs for the Finance Department to process BIA billing and expenditure. Finance Department costs are included in the department's annual budget. BIA billing is done concurrently with business license billing. Revenues from the BIA directly benefit business owners in specified geographic and benefit zones through the promotion of business and similar eligible activities.


RECOMMENDATION

The City Manager recommends that the City Council hold a public hearing and consider the adoption of Resolution confirming the Business Improvement Area Report for FY 2005-06 and levying an annual assessment on the Alameda Business Improvement Area of the City of Alameda for FY 2005-06.

Respectfully submitted,



Leslie A. Little
Development Services Director



By: Dorene E. Soto
Manager, Business Development Division



Sue G. Russell
Development Coordinator

WCN/LAL/DES/SGR:rv

Attachments

Dedicated to Excellence, Committed to Service

Honorable Mayor and
Members of the City Council

May 25, 2005
Page 3

cc: Economic Development Commission
Park Street Business Association
West Alameda Business Association

Dedicated to Excellence, Committed to Service



April 13, 2005

Sue Russell
Management Analyst
Development Services Department
950 West Mall Square
Alameda, CA 94501

Dear Ms. Russell:

As President of the Park Street Business Association, I am pleased to submit the attached BIA Report and accompanying 2005/2006 budget for our Association.

We do not anticipate any changes in the BIA for 2005/2006. We have provided a description of the activities PSBA is proposing for the upcoming year and the associated line item budget.

This proposed budget was approved by the PSBA Board of Directors in a phone poll conducted this week and will be confirmed at the May 25, 2005 board meeting. Based on revenue received to date, we anticipate 05/06 BIA revenue of \$81,000, and a carryover of \$5,300 resulting from more than anticipated 04/05 revenues and cost containment by PSBA. This brings our 05/06 BIA budget to \$86,300.

We would be glad to answer any questions you have regarding the attached material.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lars".

Lars Hansson
President
Park Street Business Association

PARK STREET BUSINESS ASSOCIATION

2447 Santa Clara Ave., #302, Alameda, CA 94501

PROPOSED ASSESSMENT FOR BUSINESS IMPROVEMENT AREA FISCAL YEAR 2005/2006

INTRODUCTION:

The Park Street Business Association (PSBA) is recommending a BIA budget of \$86,300 for the Park Street Business District for fiscal year 2005/2006. This recommendation is based on the estimate of the income derived from the BIA assessment in fiscal 04/05 as well as a carryover from the 04/05 budget, which resulted from more than expected revenue and cost containment by PSBA. The formulas, budgets, and proposed activities are the result of monthly Board of Director and committee meetings between December, 2004, and May, 2005.

BUDGET:

The BIA is one of four sources of funding for the activities proposed in this report. The other three sources are funds raised by the Park Street Business Association, reimbursement from the Landscape and Lighting Budget, and a proposed grant we will be seeking from the Development Services Department. PSBA will continue its current activities, as well as implement new ones, that are in line with the National Trust's Main Street Four-Point plan for revitalizing Main Street Cities.

BOUNDARIES:

We are not proposing any changes this year.

ACTIVITIES:

Attached is a summary of the proposed activities for the fiscal year 2005/2006. These activities are designed to improve the pedestrian friendly look of the Park Street District, improve the vitality of the District in order to increase sales and sales tax revenues, promote members' businesses, attract new businesses to the District and increase the overall business atmosphere in the Park Street District. Several projects are continuations from the 2004/2005 fiscal year.

**Park Street Business Association
2005/06 Membership Committee
Work Plan Outline**

1. **Conduct Meetings**
 - a. Mixers
 - b. Special Meeting (October)
 - c. Programs at half the meetings
 - d. Holiday Party
2. **Awards**
 - a. Continue current awards program
3. **Welcome/New Members**
 - a. Update New Members Packet
 - b. Recruit ambassadors to greet new members
 - c. Greet new members with packet as they move into the district
4. **Newsletter**
 - a. Continue mailing newsletter every month
 - b. Update mailing list

**Park Street Business Association
2005/06 Promotions Committee
Work Plan Outline**

1. Continue Special Events

- a. Spring Festival (mother's day weekend)
- c. Art & Wine Faire (the last weekend in July)
- d. Classic Car Show (2nd weekend in October)

2. Promotions

- a. Traditional shopping guide to continue for general distribution
- b. Web site (newly improved)
- c. Work with ACLO on cross marketing idea

3. Print Advertising

- a. Continue Best of Alameda PSBA pages (defines the district and our members)
- b. Continue SF Chronicle campaign
- c. Continue Holiday campaign
- d. Continue Alameda/Oakland Magazine campaign

4. Cable Advertising

- a. Continue Spring Festival ads
- b. Continue Art & Wine Faire ads
- c. Continue Classic Car Show ads
- d. Continue Holiday campaign ads
- e. Begin Summer time campaign ads

5. Holiday Promotions

- a. cable ads two weeks prior to Christmas
- b. Free parking on all weekends after Thanksgiving
- c. Continue print ads in Chronicle, Sun, and Journal

**Park Street Business Association
2005/06 Design Committee
Work Plan Outline**

1. **Streetscape**
 - a. Ensure MTC timeline is met
 - b. Monitor construction progress
 - c. Begin Phase II planning and funding
2. **Design Guidelines**
 - a. Determine acceptable and not acceptable design criteria
 - b. write guidelines
 - c. Submit to PSBA Board for Approval
 - d. Work with City Staff to have new ordinances presented to City Council
3. **Sign Ordinance**
 - a. Begin Enforcement
4. **News Rack Ordinance**
 - a. Review New Draft
 - b. Make additional suggestions for final draft ordinance
 - c. Review Final Draft
 - d. Take Final Draft to PSBA Board for Approval
 - e. Submit final changes to Planning Dept. /City Attorney
 - f. Review completed ordinance
 - g. Submit completed ordinance to Council
 - h. Council Approval
 - i. Begin Enforcement
 - j. Review Santa Clara Ave. Newsstand

**Park Street Business Association
2005/06 Econ-Revi Committee
Work Plan Outline**

1. **Identify Locations For New Businesses**
 - a. Work With City of Alameda
 - b. Work With Commercial Brokers
 - c. Physical Survey of the District
 - d. Provide district vacancy list on a monthly basis
2. **Ordinances**
 - a. News racks – assist with council passage
 - b. Vacant Buildings – begin discussions with city staff to beef up ordinance
 - c. Work with city and ACI for better working garbage contract
3. **Maintenance**
 - a. Continue current level of service – 7 days a week
4. **Recruitment/Retention**
 - a. Develop and maintain vacancy list for District
 - b. Contact targeted companies to determine their interest in coming to Park Street and Alameda
 - c. Maintain contact with existing businesses to determine additional needs and attempt to meet them.

METHOD AND BASIS OF LEVYING ASSESSMENT

Budget: See Exhibit A

CONCLUSION

PSBA would like to thank the Alameda City Council, City Attorney, Community Development, Public Works and Finance Departments for their assistance in implementing the BIA. The increased participation from the business community and the continued quality of projects has shown the BIA is a valuable tool in our continuing efforts to revitalize the Park Street Historic Business District.

Exhibit A

**Park Street Business Association
2005/2006 BIA Budget Submission**

INCOME:

BIA Projection	\$81,000
Accumulated Carryover	<u>\$5,300</u>
Total Income:	\$86,300

EXPENSES:

Program Services - Maintenance

Benefits	\$7,000
Worker's Comp Insurance	\$15,600
Payroll Taxes	<u>\$4,400</u>
Sub-Total	\$27,000

Personnel Services

Executive Director	\$2,000
Administrative Assistant	\$7,700
Payroll Taxes	\$8,200
Workers Comp Insurance	<u>\$1,800</u>
Sub Total	\$19,700

General & Administration

Liability/D&O Insurance	\$4,000
Printing	\$400
Newsletter	\$5,000
Postage	\$2,200
Equipment	\$2,000
Meetings/Trainings	\$2,000
Supplies	\$1,700
Rent	\$12,100
Utilities	\$1,600
Audit/Accounting	<u>\$8,600</u>
Sub-Total	\$39,600

Total Expenses **\$86,300**

WEST ALAMEDA BUSINESS ASSOCIATION

PO Box 215, Alameda, CA 94501
(510) 523-5955 west_alameda@yahoo.com
www.WestAlamedaBusiness.com

PROPOSED ASSESSMENT FOR THE WEST ALAMEDA BUSINESS IMPROVEMENT AREA FISCAL YEAR JULY 1, 2005 - JUNE 30, 2006

INTRODUCTION

The West Alameda Business Association (WABA) is recommending the following assessment for the Webster Street Business District for fiscal year (FY) 2005-2006. The formulas, budgets and proposed activities are the result of various Board and Committee meetings. The draft Business Improvement Area (BIA) Budget will be presented for adoption at the Board of Directors meeting May 18, 2005.

PROPOSED CHANGES

WABA is not recommending any changes to the Business Improvement Area.

ACTIVITIES

The following is a summary of proposed activities for the fiscal year 2005-2006. These activities have been discussed at various Board and committee meetings. WABA's mission is to use these activities to increase the vitality of Webster Street and West Alameda and preserve Webster Street's historic character. We seek to generate more foot traffic, increase sales and sales tax, promote members' businesses and increase the public goodwill and atmosphere in West Alameda.

The BIA is the source of funding for these activities. WABA will continue its current activities and implement others that follow the Main Street Four-Point Approach established by the National Trust for Historic Preservation.

It is estimated that there will be no carry forward from the 2004-2005 budget.

The estimated BIA revenue for 2005-2006 is \$32,000

The following are activities proposed for 2005-2006. Several projects are continuations from previous fiscal years.

ECONOMIC RESTRUCTURING

- Facilitate development of high-potential properties
- Work with the City to attract appropriate businesses
- Monitor the impact of new and re-use housing projects
- Determine the potential for eco-tourism as a West Alameda business opportunity
- Investigate sources of entertainment as a business opportunity for West Alameda
- Work with the City and others to finalize and implement the Strategic Economic Development Plan, including parking plan, catalyst project and business attraction strategies
- Continue business retention activities

DESIGN

- Finish the Webster Renaissance Project
- Implement Design Guidelines
- Develop beautification program
- Continue helping members with the Storefront Assistance Program
- Build broad-based community support for ongoing projects
- Work with City to implement recent changes to sign ordinance
- Implement newsrack district
- Fulfill public art requirements

SPECIAL EVENTS

- Participate in July 4th events
- Produce advertising for the Association and businesses
- Produce year-round Farmers' Market
- Produce Thursday night Farmers' Market during summer months
- Produce Concerts at the Cove
- Produce Third Thursday Arts and Crafts Campus
- Produce Webster Street Wine and Dine Nights
- Produce annual Halloween event
- Produce 4th annual Peanut Butter Jam
- Produce holiday bazaar and visit from Santa
- Produce streetscape unveiling

PUBLIC RELATIONS

- Generate increased favorable publicity about West Alameda
- Maintain contacts with key media representatives
- Update and distribute marketing literature promoting West Alameda businesses

- Continue implementing strategic marketing plan, including branding strategy, website, weekly columns and calendar of events, cooperative advertising program and business attraction strategy

ORGANIZATION

- Manage the administrative activities of the organization
- Expand community and business participation with WABA
- Develop and implement a fundraising plan, including Community Benefit District
- Organize and host business and community events for members
- Conduct annual self-evaluation of Board members and staff
- Produce and distribute WABA newsletter
- Recruit members from outside the BIA and among residents
- Distribute information door-to-door
- Involve important neighbors e. g. College of Alameda, Marina Village, Alameda Point in WABA's activities
- Implement enhanced volunteer program, including recruitment, volunteer appreciation activities and training
- Continue implementing enhanced maintenance program, including clean-up events, keeping up appearances awards and collaboration with City maintenance staff to resolve issues such as illegal dumping , littering and public health hazards

METHOD & BASIS OF LEVYING ASSESSMENT

Budget, see Exhibit A

Assessment, see Attachment C

CONCLUSION

WABA would like to thank the Alameda City Council, City Attorney, Development Services, Public Works, Planning and Finance Departments for their assistance in implementing the BIA. The BIA is a valuable tool in our continuing efforts to revitalize West Alameda's historic business district.

**West Alameda Business Association
BIA BUDGET 05-06**

INCOME

BIA Projection	\$ 32,000
Accumulated Carryover	\$ -
Total Income	<u>\$ 32,000</u>

EXPENSES

PERSONNEL SERVICES

PR Tax/Benefits	<u>\$ 6,000</u>
-----------------	-----------------

SUBTOTAL \$ 6,000

MEMBERSHIP SERVICES

Supplies	\$ 1,000
Printing	\$ 3,000
Postage	\$ 1,000
Newsletter/website	\$ 2,000
Committees	\$ 1,000
Equipment	<u>\$ 500</u>

SUBTOTAL \$ 8,500

INDIRECT/OVERHEAD

Accounting/Audit	\$ 6,000
Utilities	\$ 5,000
Insurance	\$ 6,000
Contingency	<u>\$ 500</u>

SUBTOTAL \$ 17,500

GRAND TOTAL \$ 32,000

**ALAMEDA BUSINESS IMPROVEMENT AREA - NON-RETAIL
FISCAL YEAR 2005-06**

Professionals and independent contractors who primarily go out into the public to sell to clients and/or do not operate retail stores.

Accountant			
Advertising			
Ambulance			
Answering service			AREA A = \$ 116.00
Architect			
Attorney			AREA B = \$ 76.00
Building maintenance			
Business services			
Construction			
Consultants			
Contractors			
Counselor			
Credit Unions with restricted membership			
Decorator			
Electrician			PRO-RATED FEES
Employment		A	B
Engineer			
Gardener		<u>\$116.00</u>	<u>\$ 76.00</u>
Graphic arts			
Handyman	JULY	116.00	76.00
Health/Medical professions			
Importers	AUG	106.00	70.00
Insurance			
Landscape	SEPT	97.00	63.00
Mail order			
Manufacturer	OCT	87.00	57.00
Manufacturer's/sales reps			
Mortuary	NOV	77.00	51.00
Newspaper publishing			
Nursing facility	DEC	68.00	44.00
Painters			
Pest control	JAN	58.00	38.00
Plumber			
Property management	FEB	48.00	32.00
Real estate			
School/Instruction	MAR	39.00	25.00
Security			
Stockbrokers	APR	29.00	19.00
Tax consultants			
Travel	MAY	19.00	13.00
Veterinary			
Wholesalers	JUNE	10.00	6.00
Misc. professional/office			

**ALAMEDA BUSINESS IMPROVEMENT AREA - RETAIL SERVICE
FISCAL YEAR 2005-06**

Businesses that operate a store where people go to purchase a service.

Alarm and fire extinguisher service

Appliance service

Athletic/Health Club

Auto glass

Auto upholstery

Auto wash/parking

Auto repair

Barber

Beauty

Cleaners

Electronics service

Furniture repair

Hotel/motel

Keys/Locksmith

Laundromat/laundry

Marine service

Pet services

Photography studio

Printing

Shoe service

Storage

Tailor

Tattoo

Upholstery

AREA A = .40/1,000 GR

MINIMUM = \$ 116.00

MAXIMUM = \$1,536.00

AREA B = .20/1,000 GR

MINIMUM = \$ 76.00

MAXIMUM = \$754.00

PRO-RATED MINIMUM FEES

	A	B
	<u>\$116.00</u>	<u>\$76.00</u>
JULY	116.00	76.00
AUG	106.00	70.00
SEPT	97.00	63.00
OCT	87.00	57.00
NOV	77.00	51.00
DEC	68.00	44.00
JAN	58.00	38.00
FEB	48.00	32.00
MAR	39.00	25.00
APR	29.00	19.00
MAY	19.00	13.00
JUNE	10.00	6.00

ALAMEDA BUSINESS IMPROVEMENT AREA - RETAIL GOODS
FISCAL YEAR 2005-06

Businesses that operate a store where people go to purchase a product.

Alcoholic
 Amusement
 Antiques
 Appliances sales
 Art
 Auto dealer
 Auto stereo
 Auto supply
 Bakery
 Bar
 Bicycles
 Books
 Clothing
 Coin
 Computer sales
 Drug/variety
 Electronics sales
 Fishing
 Floor coverings
 Florist
 Food
 Furnishings
 Furniture
 Gasoline stations
 Gift
 Hardware
 Hobby
 Jewelry
 Magazines/newspaper sales
 Marine sales
 Market
 Medical supplies
 Music
 Nursery
 Office supplies/equipment
 Optical supplies
 Pet supply
 Product rentals
 Restaurant
 Shoe sales
 Sporting goods
 Thrift/used merchandise
 Theater/club
 Video
 Other retail goods

AREA A = .40/1,000 GR
 MINIMUM = \$ 231.00
 MAXIMUM = \$1,536.00

AREA B = .20/1,000 GR
 MINIMUM = \$ 116.00
 MAXIMUM = \$ 771.00

PRO-RATED MINIMUM FEES

	A	B
	<u>\$231.00</u>	<u>\$116.00</u>
JULY	231.00	116.00
AUG	212.00	106.00
SEPT	193.00	97.00
OCT	173.00	87.00
NOV	154.00	77.00
DEC	135.00	68.00
JAN	116.00	58.00
FEB	96.00	48.00
MAR	77.00	39.00
APR	58.00	29.00
MAY	39.00	19.00
JUNE	19.00	10.00

**ALAMEDA BUSINESS IMPROVEMENT AREA
FINANCIAL INSTITUTIONS/UTILITIES
FISCAL YEAR 2005-06**

Banks

Savings and Loans

Credit Unions operating to the general public

Utilities

AREA A & B = \$ 771.00

CITY OF ALAMEDA RESOLUTION NO. 13843RESOLUTION OF INTENTION TO LEVY AN ANNUAL ASSESSMENT ON THE
ALAMEDA BUSINESS IMPROVEMENT AREA OF THE CITY OF ALAMEDA FOR FY
2005-06 AND SET A PUBLIC HEARING FOR JUNE 7, 2005.

WHEREAS, Section 6-7 of Article II of Chapter VI of the Alameda Municipal Code establishes the Alameda Business Improvement Area of the City of Alameda (hereinafter "Area"); and

WHEREAS, the Area comprises all of the Park Street Business Area, included by reference on the map and list of inclusive addresses included in this Resolution as Exhibit A and C, respectively; and all of the Webster Street Business Area included by reference on the map and list of inclusive addresses included in this Resolution as Exhibit B and C, respectively; and

WHEREAS, the improvements and activities authorized by the Ordinance include the general promotion of business activities in the Area, the promotion of the public events which are to take place on or in public places in the Area, the decoration of any public place in the Area, the furnishing of music in any public place in the Area, and the acquisition, construction or maintenance of parking facilities for the benefit of the Area; and

WHEREAS, agreements between the City of Alameda (hereinafter "City") and the Park Street Business Association (hereinafter "PSBA") and the West Alameda Business Association (hereinafter "WABA") designated PSBA and WABA to administer Business Improvement Area (hereinafter "BIA") funds for their respective geographic zones of the BIA; and

WHEREAS, PSBA and WABA have filed reports with the City Clerk describing the surplus or deficit revenues to be carried over from FY 2004-05 and describing the improvements and activities, estimated costs and methods and basis for levying the assessment for FY 2005-06.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda that PSBA and WABA are hereby designated as the BIA Advisory Body for 2005-06; and

BE IT FURTHER RESOLVED that the City Council hereby sets a public hearing to consider the annual assessment for the Area and to consider any modification of benefit areas or change in boundary for June 7, 2005, at which time written or oral protests may be made; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to advertise said public hearing by causing this Resolution of Intention to be published once in a newspaper of general circulation in the City not less than seven days before the public hearing.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in the regular meeting of the City Council on the 17th day of May, 2005, by the following vote to wit:

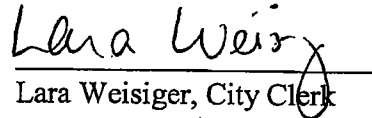
AYES: Councilmembers Daysog, deHaan, Gilmore, Matarrese
and Mayor Johnson – 5.

NOES: None.

ABSENT: None.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 18th day of May, 2005.



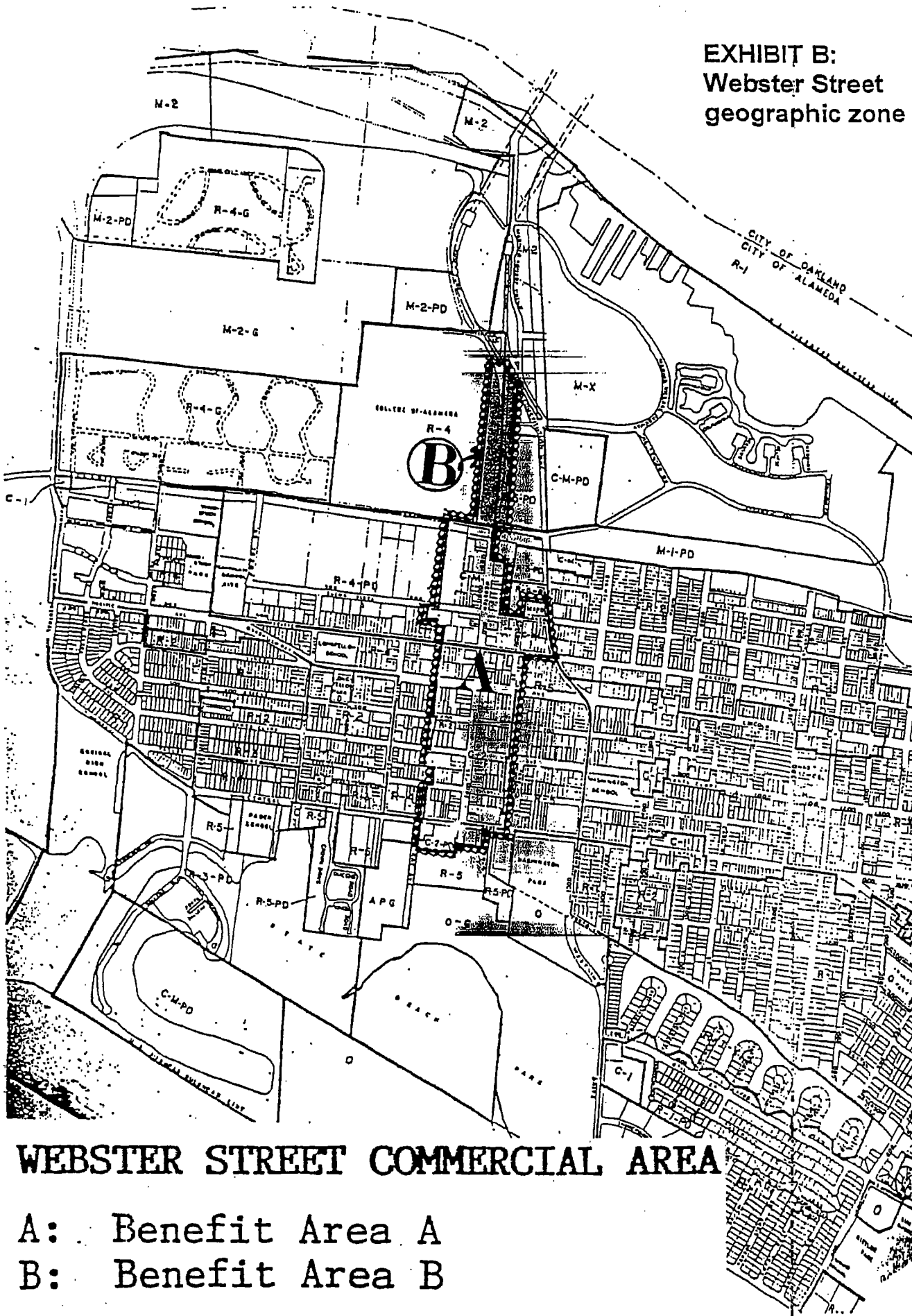
Lara Weisiger, City Clerk
City of Alameda

**EXHIBIT A:
Park Street
geographic zone**

The map displays a dense urban layout with numerous streets and building footprints. Residential zones are indicated by codes like R-1, C-M-PD, C-2-PD, M-2-G, M-1, R-6, R-3-PD, C-2-PD, R-5, R-4, R-1-PD, R-4, R-6, and R-5. Educational institutions shown include Lincoln High School and Otis School. Parks such as Krusi Park and Jackson Park are also marked. A prominent feature is a large, irregularly shaped area in the upper central part of the map, which is filled with black hatching and contains several circular symbols with the letter 'B' inside them.

A: Benefit Area A
B: Benefit Area B

EXHIBIT B:
Webster Street
geographic zone



WEBSTER STREET COMMERCIAL AREA

- A: Benefit Area A
- B: Benefit Area B

EXHIBIT C

LIST OF ADDRESSES WITHIN BIA BOUNDARIES

Combined List of Benefit Area "A" and "B" Zones:		Geographic Area:
Alameda Ave.	2300-2399 odd/even	Park St.
Broadway	1400-1590 odd only	Park St.
Buena Vista Ave.	616-750 odd/even	Webster St.
Central Ave.	630-760 odd/even	Webster St.
	2300-2499 odd/even	Park St.
	2501, 2521	Park St.
Eagle Ave.	633-707 odd/even	Webster St.
Encinal Ave.	2300-2499 odd/even	Park St.
Everett St.	1400-1519 odd/even	Park St.
Haight St.	629-728 odd/even	Webster St.
Lincoln Ave.	627-726 odd/even	Webster St.
	2267-2499 odd/even	Park St.
Oak St.	1300-1599 even only	Park St.
Pacific Ave.	626-730 odd/even	Webster St.
Park Ave.	1300-1399 odd only	Park St.
	1400-1499 odd/even	Park St.
Park St.	1125, 1198, 1200-1999 odd/even	Park St.
San Antonio Ave.	2312-2399 odd/even	Park St.
Santa Clara Ave.	700-720 odd/even	Webster St.
	2300-2599 odd/even	Park St.
Taylor Ave.	634-725 odd/even	Webster St.
Times Wy.	2300-2399 odd/even	Park St.
Webb Ave.	2400-2499 odd/even	Park St.

Webster St.	1345-1999 odd/even	Webster St.
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Memo: Benefit Area "B" Zone Only

Broadway	1400-1509 odd only	Park St.
Everett St.	1400-1519 odd/even	Park St.
Park St.	1125, 1198, 1200-1251 odd/even, 1600-1999	Park St.
Santa Clara Ave.	2500-2599 odd/even	Park St.
Lincoln Ave.	2267-2499 odd/even	Park St.
Central Ave.	2431, 2433, 2440, 2501, 2521	Park St.

CITY OF ALAMEDA RESOLUTION NO. _____

CONFIRMING THE BUSINESS IMPROVEMENT AREA REPORT FOR
FY 2005-06 AND LEVYING AN ANNUAL ASSESSMENT ON THE
ALAMEDA BUSINESS IMPROVEMENT AREA OF THE
CITY OF ALAMEDA FOR FY 2005-06

Approved as to Form
Carl Deedo
CITY ATTORNEY

WHEREAS, Section 6-7 of Article II of Chapter VI of the Alameda Municipal Code establishes the Alameda Business Improvement Area of the City of Alameda (hereinafter Area); and

WHEREAS, the City Council of the City of Alameda desires to continue said Area in FY 2005-06 for the purpose set forth in Section 6-7.3 of the Alameda Municipal Code; and

WHEREAS, a report has been filed with the City Clerk describing the surplus or deficit revenues to be carried over from FY 2004-05 and describing the improvements and activities, estimated costs and methods and basis for levying the assessment for FY 2005-06; and

WHEREAS, the City Council at its regular meeting of May 17, 2005 adopted a Resolution of Intention to Levy an Annual Assessment on the Alameda Business Improvement Area of the City of Alameda for FY 2005-06 and to set a public hearing for such action; and

WHEREAS, a duly noticed public hearing regarding each action was held by the City Council on June 7, 2005;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda that the BIA report for FY 2005-06 with any modifications as directed by the Council following closure of the Public Hearing, is hereby confirmed.

BE IT FURTHER RESOLVED by the City Council of the City of Alameda that an assessment for the Business Improvement Area of the City of Alameda for FY 2005-06 is hereby levied.

* * * * *

**Resolution # 5-D
6-7-05**

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2005, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this _____ day of _____, 2005.

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA

Memorandum

TO: Honorable Mayor and
Councilmembers

FROM: William C. Norton
Acting City Manager

DATE: May 25, 2005

RE: Donor Recognition and Named Gifts Policy for the Library

BACKGROUND

Individuals, corporations and groups have made generous donations to the Alameda Free Library through the years. With the coming of the new Main Library and improvements to the branches, we are confident that community interest in making donations to the Library will increase. As part of the effort to encourage private giving, a capital campaign will begin this fall, led by the Library Foundation.

With the possibility of many future gifts, the Library Board and the Library Foundation have developed a policy to manage the use of private gifts and the methods of donor recognition. The policy, "Donor Recognition and Named Gifts" is included with this memo as Exhibit A. The policy's purpose is to encourage donations and to ensure that donors are appropriately recognized. On April 13, 2005, after consultation with the Library Foundation, the Library Board unanimously passed the policy, recommending it for adoption by the City Council.

DISCUSSION

Alameda's library system has been the recipient of many donations, grants and bequests, to the ultimate benefit of our community. Starting with Andrew Carnegie more than one hundred years ago, the Library has received substantial donations from many individuals and groups. Most gifts have been unrestricted, and will be used as part of the funding for the construction of the Main Library and/or Branch improvements, and for opening day collections at the Library.

In addition, the Friends of the Library have donated tens of thousands of dollars over nearly thirty years in support of ongoing library programs. Their most recent gift was in support of public art for the new Main Library, specifically the eight exterior limestone medallions along Lincoln Ave. and Times Way. The Library Foundation, since its founding in 1998, has made generous donations in support of library programming, equipment and public art. In addition to these and other private gifts, in 2002 the City received an award of \$15.5 million to provide 65% match for construction of the new Main Library.

The Library Foundation's fund-raising to date has been for "the ABC's"--Art, Collections and Branches. These needs are particularly important because the ABC's are not covered by the state

grant. The relationship between these donations and library amenities or services is straightforward: the more money received for collections, for example, the larger our collections will be; the more money received for art, the more art we will have. A successful fund-raising drive for the branches could allow us to implement much more ambitious improvements.

Donors frequently specify that their donation should be used for a particular purpose. To date all restricted donations have been directed toward tangible items such as art, but there are opportunities also for support for programming such as after school tutoring, homework centers, technology classes and the like. An endowment might allow for use of the interest to improve collections. No doubt additional unrestricted donations will also be received.

The Recognition Levels were subject to extensive review by the Art and Recognition Team, the Foundation's fund raising consultant, and were reviewed twice by both the Foundation Board and the Art Team prior to their approval by the Library Board. Donor recognition levels are based on what is offered by comparable organizations and libraries.

The recognition levels are designed to honor donations of different amounts in different ways. A donor who gives a specific amount, for example \$50,000, would be able to have a specific area in the Main Library named in his/her honor. At this particular level, the donor would have a choice of the Quiet Reading Room, the Conference Room, New Books Section, Teen Homework Center, Family Study Room or a Granite Bench in the Garden. The same idea is carried forward for donors at higher or lower amounts. There will be a donor wall where all those whose lifetime giving exceeds \$5000 will be recognized. It is intended to be cumulative, so that a donor of smaller gifts can, with successive donations, earn a place on the wall.

The named spaces and furnishings (e.g., Children's Library, Reading Nook with Bay Window) and furnishings such as tables and chairs will be purchased whether or not private donations are received. Other named amenities will not be purchased unless there are donors. These include named pieces of art, stained glass lunettes and augmentations to the library collections. Specific large donations for the branches could result in larger spaces or in particular amenities, art or improved collections in those locations.

Funds received for art, collections and branches will be used for those purposes. The Library Board and Foundation will work together to identify library needs for which other gifts will be used.

BUDGET CONSIDERATION/FINANCIAL IMPACT

It is important for the City to encourage private donations to the Foundation's capital campaign, by adopting a policy of donor recognition. These potential donations will have a very positive impact upon the Library's ability to deliver services to our community.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

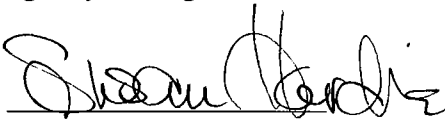
Not applicable.

RECOMMENDATION

The Acting City Manager recommends that the Mayor and Council approve the attached policy, "Donor Recognition and Named Gifts" for the Library.

Respectfully submitted,

William C. Norton
Acting City Manager

by: 

Susan Hardie
Library Director

EXHIBIT A

Alameda Free Library ***Donor Recognition and Named Gifts***

The City of Alameda is very appreciative of private contributions, which are essential to the development and operation of the facilities and services of the Main Library and its branches. The purpose of this policy is to encourage and recognize donors and to ensure that donors and taxpayers are recognized appropriately.

Contributions for the Main Library and its branches be given directly to the Alameda Free Library Foundation, which is the preferred recipient for private gifts because it has established the infrastructure to track, acknowledge and recognize these gifts.

Consistent with this policy the specific recognition accorded to donors may include named spaces, furnishings or fixtures within the library, letters of acceptance and appreciation, press releases, public events, mementos, certificates, placement on a donor wall, and other items that commemorate the gift.

The recommendations below for named gift opportunities in the new Main Alameda Free Library and branches have been developed as of April, 2005. Because of the evolving nature of the design process for the new Main Library, these opportunities may be refined and changed with the Library's design.

Upon approval of this policy by the City Council, the Library Board, in partnership with the Foundation, will develop a process for directing gifts to the Library with the following goals and outcomes in mind:

- The taxpayers of Alameda will be recognized in a prominent location and manner within the new Main Library for their support of this project.
- All gifts must meet the goals of the Library.
- Gifts will be accepted and managed in accordance with the type of fund (current, endowment) and with the uses or objectives specified by the donor.
- Multi year pledges up to three years are encouraged. Five-year pledges are negotiable on a case by case basis.
- Programmatic, endowed and planned gifts will be welcomed and recognized.
- Named gifts will encompass all levels of giving and are available to individuals, foundations, corporations and profit or non-profit organizations. The donor and the Foundation will work together to finalize wording to ensure appropriateness of the gift and that it is possible to meet any specified terms and conditions of the gift.
- Final approval on naming rests with the City Council or its designee. The Library Board and the Foundation will act in partnership and in accordance with this policy to ensure appropriate management of this process.

- Individual plaques may be placed on specialized furniture and equipment. These items are dedicated only for the life of the item and not for the life of the building.
- The Recognition wall in the new library will be designed to recognize donors to the capital campaign, and it will continue to grow and to recognize donors post-campaign. Donors will be recognized on the wall when lifetime giving exceeds \$5,000.
- Donors to the branches will be recognized in an appropriate manner in each facility.

Recognition Levels

\$500,000

- Children's Library
- Community Meeting Room (2 each)
- Grand Central Staircase

\$250,000

- Children's Story Hour and Craft Room
- Computer Lab
- Café

\$175,000

- Stained Glass Lunette (3 each)

\$100,000

- Outdoor Courtyard/Garden
- Circulation Desk
- Preschool Reading and Play Area
- Young Children's (grades 1-6) Homework Center - first floor

\$50,000

- Quiet Reading Room
- Library Conference Room
- New Books Section
- Teen Homework Center -second floor
- Family Study Room - 12 person
- Granite Bench in Garden, engraved with donor's name (3 each)

\$35,000

- Standing Bronze Sculpture by Michael Carey (at foot of stair)

\$30,000

- *The Oracle of the Tree*, granite mural by Masayuki Nagase (above Circulation Desk)

\$25,000

- Carved Wooden Trellis sculpture by Michael Carey (in children's area)
- Group Study Rooms (2 each)
- Reference Study Rooms (2 each)
- Reading Nook w/Bay Window – second floor (large – 3 each)
- Children's Services Work Room
- Reference Desk
- Children's Services Desk
- Reception Desk
- Computer Area/room
- Precast Bench near entrance

\$10,000

- Library Director's Office
- Children's Librarian's Office
- Book Return
- Friends of the Library Workroom
- Self Check Out Center
- Reading Nook w/Bay Window – second floor (small – 3 each)
- Reading Nook (w/o bay - 4 each)
- Maps Section
- Microform & Clipping Files
- Library Admin and Reception

\$5,000

- Donor wall recognition (for all donors at this level and above)
- Carved Rabbit sculpture by Michael Carey (for Children's area)
- Catering Kitchen (associated with the meeting rooms)
- Staff Room
- Copier Alcove (2 each)
- Elevator
- Children's Play Area Table with Chairs (5 each)
- Children's Story/Craft Room Table with Chairs (6 each)
- Local History Section (10 each)

\$2,500

- Table and 4 chairs (27 each)

\$1,500

- Bike racks

\$1,000 (\$100 a month for 10 months)

- Table
- Stack

\$500

- Chair

\$100 (\$10 a month for 10 months)

- Named Shelf - Up to 24 characters of the donors choice (particular location of named shelf is not guaranteed)

Planned Gifts

- Contributions to endowed collections start at \$10,000.

CITY OF ALAMEDA
MEMORANDUM

To: Honorable Mayor and
Councilmembers

From: William C. Norton
Acting City Manager

Date: May 25, 2005

Re: Recommendation to Accept the Webster District Strategic Plan Report

BACKGROUND

In March of 2004, the City began a series of community engagement workshops as part of a process to prepare a Strategic Plan for the Webster Business District, thereby implementing Citywide Retail Policy Action 4: "Work with property owners and the West Alameda Business Association to develop a strategic approach to capitalize on opportunities for Webster Street." With changing demographics and an expanding residential base in the West End, a significant motivation was to test the viability of pursuing a catalyst redevelopment project that might involve a major retail anchor, such as a grocery store, an idea that grew out of the recent City-wide Retail discussion.

DISCUSSION

The Economic Development Commission created a Webster District Strategic Plan Task Force to guide the process involving a series of three community forums. The Task Force led the Forums, which sought input from Alameda residents, property owners, employees and business people. At the outset, over 900 flyers were mailed to those on the City's retail interest list. Quarter-page ads were published in the local media announcing each forum. Products of each forum were posted on the City's Website. The final Forum was held on March 22, 2005. On April 21, 2005, the Economic Development Commission endorsed the Report with comments (Attachment). On May 9, the Planning Board endorsed the report.

The Report (on file with the City Clerk) concludes that there will be no single redevelopment project, no "magic bullet" that will easily transform the District. Like Park Street, it will be a process that involves the actions of multiple actors. The Report confirms the importance of public investment in public spaces (Webster Renaissance Streetscape Project) and it urges that priority be given to supporting efforts that would improve the condition of the built environment, both public and private.

General Plan and Zoning. The Webster District Strategic Plan Report, if accepted by Council, would recommend evaluation of Zoning requirements, particularly in the area of parking. On-site parking requirements constrain development of smaller parcels by significantly reducing the proportion of revenue-generating square footage, or by substantially increasing development cost by involving either on-site structured parking or payment of in-lieu fees. The Report also recommends preparation of a long-term parking strategy to address the parking needs of the District as it becomes more active.

Next Steps. Following acceptance by Council the Report will be referred to the Planning and Building Department for consideration of potential Zoning revisions and to the Development Services Department regarding implementation of economic development initiatives.

BUDGET CONSIDERATION/FINANCIAL IMPACT

There is no impact on the General Fund for acceptance of the Final Webster District Strategic Plan Report. The Report will guide setting of work plan priorities during the City's budget process.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

Policy document reference contained in Background section.

RECOMMENDATION

It is recommended that the City Council accept the Webster District Strategic Plan Report.

Respectfully submitted,



Leslie A. Little

Development Services Director



By: Dorene E. Soto
Manager, Business Development
Division

Dedicated to Excellence, Committed to Service



Bruce J.M. Knopf
Redevelopment Manager

WCN/LAL/DES/BJMK:rv

Attachment

cc: Dena Belzer, Strategic Economics
Economic Development Commission
EDC Webster District Strategic Plan Task Force

Dedicated to Excellence, Committed to Service

MINUTES (Excerpt)

REGULAR MEETING OF
CITY OF ALAMEDA ECONOMIC DEVELOPMENT COMMISSION
THURSDAY, APRIL 21, 2005

CALL TO ORDER AND ROLL CALL

Chairman Kelly called the meeting to order at 7:30 p.m.

Present: Chairman Kelly; Commission Members: Abrate, Lindsey, Parker, Schmitz, Stieg, and Wetzork.

Absent: Commission Members: Dahlberg and Holzman

Development Services Staff: Jennifer Ott, Bruce Knopf

..... Excerpt

5. Endorsement of the Webster District Strategic Plan Report

Mr. Knopf introduced Joanna Davis of Strategic Economics. Ms. Davis gave the PowerPoint presentation that was made at the March 22 Community Forum. Public speaker: Jean Sweeney – stated that the 1800 (west side) block of Webster St. might be more appropriately used as a parking area if the land could be assembled. Also stated that the Webster area could use a good women's clothing store. Commission Member comments:

- Parker – Webster retail needs to be planned in coordination with the *Alameda Citywide Retail Policy* and *Alameda West Strategic Retail Implementation Recommendations*.
- Parker – City needs a full-time retail recruiter. We need an attractive retail area to recruit to. You have to generate the demand to generate the supply. Mr. Knopf noted that the demand would really come when Bayport is built out.
- Parker – We need to continue the streetscape project all the way into the City entry area to help generate demand.
- Parker - City needs to focus on Webster economic development and provide the funds.
- Schmitz – commended the scope and analysis of the report. Takes issue with the concept of “organic evolution.” Public bodies have the responsibility to directly intervene, to take on tough decisions, to look at land use policies in order to insure that economic development is promoted. Organic evolution by itself will not make things happen.

- Stieg – thanked the City for funding this strategic plan process. We can help organic development along. We can look at changing parking requirements that adversely affect economic development. We can work to get different funding to implement Goal 5. If constraints like parking requirements or Measure A keep projects from being feasible, then perhaps the City can provide funds to help make them feasible. We need to be aggressive and think outside of the box.
- Abrate – reminded all present that all of these studies, the Downtown Vision and the Economic Development Strategic Plan, the Webster District Strategic Plan, came about as a result of the proposed Trammell Crow project for Park Street several years ago. It's up to the EDC to make it work. Suggested an archway as a possible entry statement.

Motion (Wetzork), seconded by Abrate, that the EDC accept the Webster District Strategic Plan. Parker asked if that would be with all the EDC comments and Wetzork stated yes. The Chair commended the members for their constructive comments; however, the EDC was asked to endorse it and forward it to the Planning Board. Wetzork agreed to accept the Chair's recommendation to move for endorsement instead of acceptance. Abrate agreed, also. Motion passed 5-2.

..... End Excerpt

City of Alameda

Inter-department Memorandum

TO: Honorable Mayor and Members
of the City Council

FM: Jim Flint, City Manager

DT: July 9, 1997

RE: Ratification of Administrative Instruction No. 36, Staff-Council Communication

Background

Attached is a revision of the original administrative policy that I had proposed governing interaction between members of the City Council and staff. The City Council had identified some concerns with the original administrative policy and ask that I reconsider this policy in light of your concerns.

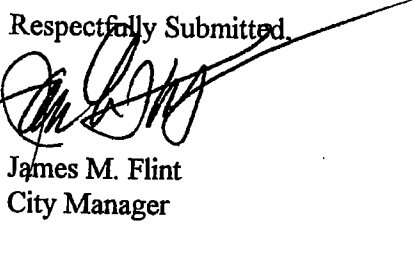
Discussion/Analysis

The revised policy now provides the Council with a choice of contacting the department head directly or working through the City Manager's office in pursuing an inquiry. And, it still provides the Council with the ability to contact individual members of the staff for purposes of acquiring additional information, after the initial response to an inquiry from a Councilmember. Further, it defines what an inquiry is and delineates it from an action to provide further clarification.

Recommendation

The City Manager recommends that the City Council ratify Administrative Instruction No. 36 as presented in the attached revised version.

Respectfully Submitted,


James M. Flint
City Manager

Attachment

Reports #5-G
7-15-97

**Re: #7-A
Council Communications
6-7-05**

City of Alameda

Inter-department Memorandum

ADMINISTRATIVE INSTRUCTION

NO. 36

DATE: July 2, 1997

SUBJECT: Staff-Council Communication Policy

EFFECTIVE DATE: _____

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Purpose

The intent of this policy is to provide an administrative policy to govern the interaction between members of the City Council and City of Alameda staff which respects the provisions of the City Charter, while providing the City Council the opportunity to interact directly with staff on matters of interest to its members or their constituents.

Policy

Section 7-3 of the Alameda City Charter states that "Except for purposes of inquiry, the Council and its members shall deal with that portion of the administrative service for which the City Manager is responsible solely through him." Accordingly, the Charter establishes the expectation that the City Council will work through the City Manager to have staff respond to both the directives of the City Council acting as the governing body or the requests of its individual members.

What is an Inquiry?

The Charter clearly identifies the Council's prerogative to make inquiries. According to Webster's New Collegiate Dictionary, an inquiry is simply defined as "a request for information." The Council should have access to staff resources to make requests for information or to ask questions on issues of interest. However, this should be contrasted to the definition of an action which is to get "a thing accomplished." The distinction between these two ideas is important only in that the Charter assigns the responsibility for getting things accomplished by the City Council through the City Manager and not directly through staff.

Request for Inquiry

Members of the City Council *may* direct their written or verbal inquiries to the City Manager's office or they may make a direct inquiry to a Department Head. Inquiries should be reasonably brief in nature such as asking for copies of existing documents or interpretations or elaborations of those documents. The City Manager's office or Department Heads will respond to constituent concerns as a part of the City's normal operating procedures which apply to such matters.

Clarification of Information

If a Councilmember desires clarification of the information being communicated, then that Councilmember may contact the staff member directly responsible for providing the information being requested. This direct contact is intended to allow Councilmembers access to staff should it be necessary for more information or clarification which opens up the organization to increased City Council interaction.

Request for Action

The current procedure for City Council to take action will apply, which is for members of the City Council to ask for issues to be placed on the agenda for consideration and approval. Once Council has taken action, then the City Manager and staff will implement those decisions.

James M. Flint
City Manager

cc: Assistant City Manager
City Attorney
City Clerk
Community Development Department
Finance Department
Fire Department
Personnel Department
Planning Department
Police Department

Public Works Department
Recreation and Parks Department
Alameda Free Library
Alameda Housing Authority
Bureau of Electricity

Vice Mayor DeWitt seconded the motion, which carried by unanimous voice vote - 5.

(97-422) Report from City Manager recommending ratification of Administrative Instruction No. 36, Staff/Council Communication Policy.

Don Roberts, Alameda, stated that he disagrees with the City Manager's proposal; in his [Robert's] opinion, the City Charter allows any member of the City Council to contact, for purposes of inquiry, any member of staff without going through the City Manager or Department Heads; and if restrictions are desired, the proposal should be placed on the ballot in order to revise the City Charter.

Susan McCormack, Alameda, stated that Councilmembers should not, other than for purposes of inquiry, have the right to go directly to staff.

Councilmember Kerr stated that Councilmembers submit requests for action which do not necessarily require City Council action, e.g. a request for a City Council Meeting Packet early; and the Request for Action statement in Administrative Instruction No. 36 should be amended to allow individual Councilmembers to directly request administrative action to the City Manager.

The City Manager stated Councilmember Kerr raised a very appropriate point, that there are inconsequential procedural requests, and it makes sense to have flexibility.

Vice Mayor DeWitt moved acceptance of the City Manager's recommendation and the proposed change by Councilmember Kerr.

Councilmember Lucas seconded the motion, which carried by unanimous voice vote - 5.

ORAL COMMUNICATIONS, NON-AGENDA

(97-423) Susan McCormack, Alameda, inquired whether anything had been done on the Mills Act Agreement, insofar as allowing private individuals to enter into an Agreement with the City; stated that the matter was addressed by the City Council and sent to the Historical Advisory Board; and matter was to be brought back to the City Council and she was to be notified.

Susan McCormack further explained that the Mills Act Agreement is an Agreement whereby owners of historical properties can enter into an agreement with the City; that the purchase price and



Management Practices

NO. 37

DATE: July 2, 1997

SUBJECT: Staff-Council Communication Policy

EFFECTIVE DATE: October 28, 1997

Purpose

The intent of this policy is to provide an administrative policy to govern the interaction between members of the City Council and City of Alameda staff which respects the provisions of the City Charter, while providing the City Council the opportunity to interact directly with staff on matters of interest to its members or their constituents.

Policy

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Office of the City Manager

2263 Santa Clara Avenue, Room 320
Alameda, California 94501

510 748-4505 Office - 510 748-4504 Fax - TDD 510 522-7538

Request for Inquiry

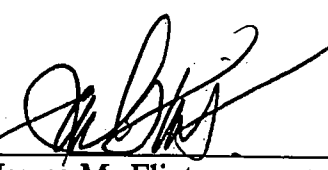
Members of the City Council *may* direct their written or verbal inquiries to the City Manager's office or they may make a direct inquiry to a Department Head. Inquiries should be reasonably brief in nature such as asking for copies of existing documents or interpretations or elaborations of those documents. The City Manager's office or Department Heads will respond to constituent concerns as a part of the City's normal operating procedures which apply to such matters.

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Request for Action

The current procedure for City Council to take action will apply, which is for members of the City Council to ask for issues to be placed on the agenda for consideration and approval. Once Council has taken action, then the City Manager and staff will implement those decisions. This does not prevent members of the City Council from asking the City Manager to take actions of a limited nature such as follow-up to constituent requests.



James M. Flint
City Manager

cc: Assistant City Manager
City Attorney
City Clerk
Community Development Department
Finance Department
Fire Department
Personnel Department
Planning Department

Alameda Reuse and Receptvelopment
Public Works Department
Recreation and Parks Department
Alameda Free Library
Alameda Housing Authority
Bureau of Electricity

CURRENT APPLICATIONS
PUBLIC UTILITIES BOARD
ONE (1) VACANCY

C. Richard Bartalini

Jeffrey C. Gould

Leonard G. Grzanka

Richard J. Heaps

Peter W. Holmes

John R. McCahan